

JOURNAL
OF
THE SENATE

OF THE
STATE OF ALABAMA

SPECIAL SESSION OF 1932

HELD IN THE CITY OF MONTGOMERY, COMMENCING
TUESDAY, AUGUST 16, 1932



VOL. 1

WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

BIRMINGHAM PRINTING COMPANY
State Printers and Binders
Birmingham, Ala.
1933

JOURNAL
OF
THE SENATE
OF THE
STATE OF ALABAMA

SPECIAL SESSION, 1932

FIRST DAY

Montgomery, Alabama,
Tuesday, August 16th., 1932.

BE IT REMEMBERED, That on the 4th day of August, A. D., 1932, B. M. Miller, Governor of the State of Alabama, issued his proclamation in the words and figures following, to-wit:

STATE OF ALABAMA
A PROCLAMATION
BY THE
GOVERNOR

WHEREAS, the current debts of the State of Alabama are now approximately Twenty Million Dollars (\$20,000,000.00) and should be paid and cannot be paid under our present revenue system; and

WHEREAS, a large amount is due to the Educational Department of the State of Alabama and in many counties the salaries of the teachers are delinquent for months, and these salaries should be paid and cannot now be paid from present revenue; and

WHEREAS, the present appropriations are much in excess of the amount which will be collected and can be paid by the State under its present appropriation and revenue statutes; and

WHEREAS, the State is going further into debt each month and will continue to do so until its budget is balanced because the appropriations exceed the income; and

WHEREAS, it is clear and evident that the Executive and the Legislators see and fully appreciate the financial condition of the State and its needs, and are ready to remedy it as far as it is practicable and possible;

THEREFORE, it is my opinion that an emergency exists requiring the action of the Legislature of Alabama concerning the matters hereinafter specifically mentioned;

NOW, THEREFORE, I, B. M. Miller, Governor of the State of Alabama, do hereby call an extraordinary session of the Legislature to convene at the Capitol in the Senate Chamber and in the hall of the House of Representatives, on Tuesday, the 16th day of August, 1932, at twelve (12) o'clock noon, and I do hereby designate the following subjects and matters as those concerning which action of the Legislature is deemed necessary, namely:

1. To provide for the payment of all of the current debts of the State of Alabama and of appropriations past due by submitting to the qualified electors of the State of Alabama an amendment to the Constitution providing for a bond issue to pay them, or to provide for such payment by such other method as to the Legislature may seem best.

2. To submit to the qualified electors of the State of Alabama an amendment to the Constitution authorizing the Legislature to levy an income tax for the calendar year, 1932, and for each subsequent year.

3. To provide for an income tax to become effective when the Constitutional amendment above provided for is adopted by the people.

4. To provide for the reduction of the expense of government by eliminating or combining any offices or jobs where such elimination or combination can be made without serious injury, and to provide for the reduction of salaries, fees and compensation of officers and employees of the State where such reduction can and should, in the judgment of the Legislature, be made.

5. To provide for balancing the budget of the State by making such reductions in expense of government as can be made, by reducing appropriations and by raising such additional revenue as to the Legislature may seem proper and necessary.

6. To provide for the enactment of such revenue producing measures of any kind as to the Legislature may seem proper, to meet the present emergency and to provide for the payment of debts and for the balancing of the budget of the State, and for continuing the schools of the State.

7. To provide for taxing the capital stock of National banks and in order to effect that taxation legally, to repeal any exemp-

tions from taxation of any person, firm or corporation, or to pass any act or acts which may be necessary.

8. To provide for the construction and maintenance of public roads in the State. To provide funds for matching Federal Aid for building roads and to enact any legislation necessary for the proper building and maintenance of public roads in the State.

9. To provide for working convicts on the public roads of the State; to provide for the erection of permanent or temporary road camps for convicts, and to provide for securing the revenue for these purposes.

10. To amend any statutes or laws giving any portion of the gasoline tax to counties and to provide that all, or any portion, of the gasoline tax which is now given to the counties may go to the State for building and maintaining roads and/or for working convicts on the roads.

11. To provide that any county or municipality in the State may directly contribute of its public funds for the relief of unemployment, or for taking care of the unemployed and the destitute, in any manner that the municipality or county may see fit; to authorize any municipality or county to borrow money from the Reconstruction Finance Corporation, or from any other source, for the purpose of taking care of the destitute or for giving employment to the destitute or unemployed, and to provide for ratifying and making legal any payments that may have been made by counties or municipalities in relief work or in giving jobs or employment to the destitute or unemployed.

12. To regulate the operation of trucks, busses, or motor vehicles on the public highways; to provide for regulating what trailers, semi-trailers or attachments may be used and how they may be used and to provide for a proper license and/or tax on all of such trucks, busses, motor vehicles, trailers and semi-trailers.

13. To provide for refunding the bonds of the Alabama Bridge Corporation or for any legislation with reference to the Bridge Corporation, or the indebtedness of the Bridge Corporation, which the Legislature may find proper.

14. To provide for the payment of Alabama's current debts; for construction and maintenance of public roads; for matching Federal road funds; for keeping our schools open and the salaries of the teachers paid promptly; for reducing salaries, wages and appropriations; for abolishing useless offices and departments; for consolidating departments and for balancing the budget of the State.

15. To provide for appropriations to be reduced and to provide that where at the end of any fiscal year, where the revenue received is insufficient to pay the appropriations as made, that the funds available may be prorated on a percentage basis so that the State will not be in debt for an appropriation where funds

are not available to pay it. To provide that the State must live within and not exceed its income and to enact the necessary laws to carry out this provision.

16. To provide for the reduction of the expense of county and municipal government by eliminating or combining any offices or jobs, where such elimination or combination can be made without serious injury to the government; and to provide for the reduction of salaries, fees and compensation of county and municipal officers and employees, where such reduction can and should be made in the judgment of the Legislature.

17. To provide any legislation that may be necessary to permit the State to secure the full benefit of the emergency relief and construction act of 1932, passed by Congress and approved by the President of the United States July 21, 1932; and to provide such legislation as may be necessary or proper to permit any municipality or any county of the State to secure the full benefit of said act; and to provide such legislation as may be necessary or proper to authorize corporations to be formed and regulations to be provided for such corporations in order that such corporations may receive the benefit of the provisions of the said act; and to provide any legislation which may be necessary and proper for the said act to be taken advantage of in any way in the State of Alabama.

18. To provide for the repeal of the acts of the Legislature of 1931 submitting seven amendments to the Constitution to be voted on in the general election on November 8, 1932, or for the repeal of any one of the acts submitting an amendment to the Constitution which the Legislature might desire to repeal.

19. To provide for the repeal or the amendment of an act approved July 23, 1931, entitled, "An act to empower boards of revenue, courts of County Commissioners, or like governing bodies, to fix the amount of official bonds of all county officers and all county employees who are intrusted with the handling of public funds and to provide for the payment of the premium of said bonds."

20. To provide for a study of the Report of the Brookings Institution on a survey of the government of Alabama and to make such provisions as may to the Legislature seem proper. To provide for enacting into law any of the recommendations made in said report or to provide for proper study of the report and for recommendations to be made to the Legislature in the future.

21. To provide that a reasonable tuition fee shall be charged to all non-resident students in all of the higher institutions of learning in the State.

22. To provide for the amendment of the law with reference to paroles and pardons or to provide any additional legislation that to the Legislature may seem proper on this subject.

23. To declare the rights, powers and limitations of the holders of various classes of stock of domestic corporations engaged in the business of distributing gas, water and electricity to the public.

24. To appropriate money to defray the expenses of the special session hereby called.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State to be affixed at the Capitol in the City of Montgomery on this the 4th day of August, 1932.

B. M. MILLER,
Governor.

Attest:
PETE B. JARMAN, JR.,

Pursuant to such proclamation, at the hour of 12 o'clock M., on Tuesday, August 16th., 1932, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by Honorable Hugh D. Merrill, Lieutenant-Governor and President of the Senate. J. E. Speight, Secretary, was present and acted as such, according to law.

PRAYER

By Rev. S. U. Turnipseed, of the Forest Avenue Methodist Church, of Montgomery.

ROLL CALL

Upon a call of the roll, the following Senators answered to their names:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth		

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OATH OF OFFICE

Hon. J. Sanford Mullins, elected to the Senate from the 10th Senatorial District, composed of the Counties of Tallapoosa and Elmore, to fill the vacancy caused by the death of Senator A. L. Harlan, presented his credentials from the Secretary of State certifying to his election as follows:

THE STATE OF ALABAMA
Department of State
CERTIFICATE OF ELECTION

I, Pete B. Jarman, Jr., Secretary of State, in accordance with the provisions of Section 516 of the Code of Alabama, do hereby certify that as shown by the returns of Election on file in this office, J. Sanford Mullins was elected Senator from the Tenth Senatorial District of Alabama, at the Special Election held in this State on Tuesday, the 3rd day of May, 1932.

Witness my hand this 18th day of May, 1932.

Pete B. Jarman, Jr.,
Secretary of State.

Thereupon, the President and presiding officer of the Senate administered to Mr. Mullins the oath of office as follows:

OATH

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof, and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability. So help me, God."

J. Sanford Mullins.

ORDER TO PRINT

On motion of Mr. Powell, 500 copies of the Governor's proclamation calling this Special Session, were ordered printed for use of the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following resolution and sends same herewith to the Senate:

By Mr. Snodgrass:

H. J. R. 4. Resolved by the House, the Senate concurring, that a joint session of the two Houses be held in the Hall of the House of Representatives on to-day at one o'clock P. M., for the purpose of hearing an address by His Excellency, Governor B. M. Miller.

Resolved Further, that a committee of three from the House to be appointed by the Speaker of the House and a Committee of two from the Senate to be appointed by the Presiding Officer of the Senate, be named to advise the Governor that the Legislature will be in Joint Session to hear his address.

And the Speaker named as the Committee on the Part of the House Messrs. Snodgrass, Goode and Poole.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

H. J. R. 4, set out in the foregoing Message from the House, was concurred in and adopted, and the President and presiding officer of the Senate appointed as a Committee on Part of the Senate Messrs. Hildreth and Powell.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following resolution and sends same herewith to the Senate:

By Mr. Sparks:

H. J. R. 3. Resolved by the House, the Senate concurring, that a Committee of five, consisting of three members on the part of the House, to be appointed by the Speaker of the House, and two members on the part of the Senate, to be appointed by the Presiding officer of the Senate, be appointed to await upon the Governor of Alabama, and inform him of the organization of the Legislature of Alabama and its readiness to transact public business.

The Speaker named as the Committee on the Part of the House Messrs. Sparks, Goodwyn and Ogden.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

H. J. R. 3, set out in the foregoing Message from the House, was concurred in and adopted, and the President of the Senate appointed as a Committee on the Part of the Senate Messrs. McDaniel and Shepherd.

MESSAGE FROM THE HOUSE

Mr. President:

I am directed by the House to notify the Senate that the House has perfected its organization and is now ready for business.

J. H. Stewart,
Clerk.

RESOLUTIONS

Mister Teasley offered the following Senate resolution:

S. R. 1. Be it Resolved by the Senate of Alabama, that all the officers and subordinate officers of the Senate, to-wit, President Pro Tem, Secretary, Assistant Secretary, Doorkeeper, Assistant Doorkeeper, Doorkeeper of the Senate Gallery, Enrolling Clerk, Engrossing Clerk, and Comparing Clerk, as elected at the Regular Session of 1931, be and they are hereby re-elected and continued in their respective offices during this Special Session of the Legislature.

And on motion of Mr. Teasley, the rules were suspended and the resolution adopted.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Mullins
Beasley	Duncan	Hubbard	Powell
Brown	Edmundson	Jordan	Scruggs
Caffey	Farmer	Kelley	Shepherd
Cooper	Faulk	Lapsley	Teasley
Cowart	Fletcher	McDaniel	Walker
Craft	Garrett	McDowell	Warren
Darden	Goodwin	Millsap	Wikle

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OATH OF OFFICE

Thereupon, the officers named in the foregoing resolution to-wit: President Pro Tem, Secretary, Assistant Secretary, Doorkeeper, Assistant Doorkeeper, Doorkeeper of the Senate Gallery, Enrolling Clerk, Engrossing Clerk, and Comparing Clerk came forward and took the oath of office as follows to-wit:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof, and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability. So help me, God."

Mr. Kelley offered the following Senate resolution:

S. R. 2. Resolved, that this Senate has learned, to its profound sorrow, of the death of Dr. A. L. Harlan, late a member of this body, from the County of Tallapoosa. Dr. Harlan served his people faithfully, diligently and ably in the Senate of this State, both in 1923 and 1931. His record as a public servant of his people is one of sincerity and frankness. His loss is felt not only in the political life of Alabama but also in the medical profession. He was one of the most prominent physicians of Alabama, and was honored by the members of his profession in many ways. He was honorable, patriotic, and unselfishly devoted to his family, his friends, and the people of Alabama. He was a great and good man, a Christian gentleman, and his departure is a great loss to his family and friends, and this legislative body.

Resolved further, that a copy of this resolution be sent to the House of Representatives, and a copy sent to Mrs. A. L. Harlan by the Secretary of the Senate.

And on motion of Mr. Kelley the rules were suspended and the resolution adopted.

Mr. McDaniel offered the following joint resolution:

S. J. R. 3. Be it Resolved by the Senate, the House concurring, that a joint committee of two from the Senate and three from the

House be appointed to wait upon the Governor and to notify him that the Legislature is duly organized.

Which was adopted, and the President of the Senate appointed as a Committee on Part of the Senate Messrs. McDaniel and Shepherd.

Mr. Powell offered the following Senate resolution:

S. R. 4. Be it Resolved by the Senate of Alabama, that the printed rules adopted by the Senate at the last Regular Session, 1931, be and the same are hereby adopted for the government of the Senate for this Special Session.

And on motion of Mr. Powell the rules were suspended and the resolution adopted.

Mr. Hildreth offered the following Senate resolution:

S. R. 5. Be it Resolved by the Senate of Alabama that the Secretary be and he is hereby authorized and directed to notify the House that the Senate is organized by re-electing and continuing in office all of the officers and subordinate officers who were elected at the last Regular Session of the Legislature in 1931.

And on motion of Mr. Hildreth the rules were suspended and the resolution adopted.

Mr. Walker offered the following Senate resolution:

S. R. 6. Be it Resolved by the Senate of Alabama that the Committee on Rules shall prepare and present to the Senate a resolution providing for the appointment of Clerks and other employees of the Senate other than those named in resolution heretofore adopted, and that said resolution also fix the compensation to be allowed such subordinate officers and employees of the Senate during this Special Session. That the said resolution be reported to the Senate for its action thereon.

And on motion of Mr. Walker the rules were suspended and the resolution adopted.

Mr. Teasley offered the following Senate resolution:

S. R. 7. Be it Resolved by the Senate, as follows:

1st. That it is the sense of the Senate that its clerical force be reduced 20% under the Regular Session of 1931.

2nd. It is further the sense of the Senate that the per diem of the clerical force of the Senate be reduced 25%.

3rd. It is further the sense of the Senate that the per diem of the members of the Senate be reduced 25%.

4th. It is further the sense of the Senate that the per diem of the pages and messengers be reduced 20%.

Which was read and referred to the Standing Committee on Rules.

Mr. McDowell offered the following Senate resolution:

S. R. 8. Be it Resolved by the Senate of Alabama that the standing committees as heretofore appointed by the Presiding Officer of the Senate for the Regular Session of 1931 be, and the

same are hereby, named as the standing committees during this Special Session, subject to any changes in the personnel of said committees as may be considered necessary or reported by the Presiding Officer of the Senate.

Be It Further Resolved, that the Presiding Officer be, and he is hereby, requested to add to the Standing Committees as now constituted one other committee to be known as the Committee on "Aviation and Traffic Regulations."

And, on motion of Mr. McDowell, the rules were suspended and the resolution adopted.

Mr. Bonner offered the following Senate resolution:

SENATE RESOLUTION NUMBER 9

S. R. 9. Be it Resolved by the Senate of Alabama as follows:

The following committees are hereby authorized to have one clerk each, namely, Rules, Finance and Taxation, Judiciary, The Chairman of Each of said committees is hereby authorized to name said clerks.

The following committees, together shall have one clerk:—

1. Revision of Laws; Constitution and Constitutional Revision and Amendments; Banking and Insurance; Penitentiary, Prison and Prison Punishment; one clerk.

2. Corporations; Local Legislation; Commerce and Common Carriers; Education; one clerk.

3. Mines and Manufacturing; Agriculture; Municipalities and Municipal Organizations; Counties and County; Boundaries; one clerk.

4. Immigration and Industrial Resources; Public Buildings and Grounds; Privileges and Elections; Printing; one clerk.

5. Public Health; Military; Temperance; Engrossed Bill; one clerk.

6. Enrolled Bills; Revision of the Journal; On Public Roads and Highways; Fish, Game and Forestry; Seaports; one clerk.

Where said committees are allowed, one clerk for a group as above provided, said clerk of each group shall be named by the chairman of the said committee in each of said groups.

The compensation of the committee clerks herein provided for shall be \$3 per day.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House joint resolution and sends same herewith to the Senate:

By Mr. Goodwyn:

H. J. R. 2. Resolved by the House, the Senate concurring, that the Legislature of Alabama in its present special session commencing today recognizes its duty as follows:

1. To cut appropriations and official salaries so as to bring State expenditures within the State income.

2. To provide for the prompt payment of the floating debts of the State.

3. To keep open our public schools and to provide for their regular term operation.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

H. J. R. 2, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

JOINT SESSION

The hour of one o'clock having arrived, pursuant to joint resolution heretofore adopted and on motion of Mr. Hildreth, the Senate repaired to the Hall of the House of Representatives for the purpose of such joint session to hear the message of His Excellency, the Governor.

The Lieutenant-Governor and presiding officer of the Senate presided upon part of the Senate and Speaker Tunstall on part of the House.

Upon a call of the roll of the Senate, the following Senators answered to their names:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Tasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

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The Clerk of the House proceeded to call the roll of the House and the following members answered to their names:

Messrs.:

Mr. Speaker	Burns	Davis (Macon)	Goode
Allen	Burton	Davis (Pickens)	Goodwyn
Arrington	Callahan	DeSear	Granade
Bains	Callaway	Edgar	Graves
Barber	Carmichael	Fite	Green
Beebe	Christopher	Frazer	Gullatt
Black	Clayton	Giddens	Guy
Bradford (Cherokee)	Coats	Givhan	Hamby
Bradford (Jefferson)	Cook	Glover (Elmore)	Hampton
Brooks	Culver	Glover (Henry)	Harrison

Hightower	Matthews	Patterson	Spencer
Holland	Miller	Pierce	Stewart
Hollingsworth	Mize	Pitts	Stokes
Johnston	Molette	Poole	Sutton
Jones	Morrow	Posey	Swift
Jordan	Mulkey	Reeder	Tate
Kelly (Conecuh)	McClendon	Rish	Taylor
Kelly (Talladega)	McDonald	Robinson	Thompson
Kettler	McElderry	St. John	Tidwell
Key	McGowin	Sanderson	Tucker
Lancaster	McGraw	Shepherd	Wallace
Lawler	McNeel	Smith (Coosa)	Ward
Lee (Coffee)	Norman	Smith (Lee)	Ware
Lee (Monroe)	Ogden	Snodgrass	West
Lovelace	O'Neal	Sossaman	Williams
Loyd	Parker	Sparks	Yerby
Manasco			

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Thereupon, the Governor was presented and delivered his message in the words and figures following, to-wit:

To the Senate and House of Representatives of the State of Alabama:

We give you a hearty welcome back to the Capitol of our State. We regret an extraordinary occasion exists which caused us to bring you from your business and your homes to the Capitol to attend to the business of the State.

Senators and Representatives permit me to digress for a moment.

Radio Listeners: The pleasure of addressing you at the same time as the Senators and Representatives is due to the kindness and generosity of radio stations, WSFA of Montgomery, WAPI of Birmingham, and WODX of Mobile. Allow me to express to them my sincere appreciation for their kindness, their thoughtfulness and generosity, in permitting me to so address you.

We must face facts and not fancy screens. The current debts of Alabama have reached and passed beyond the Twenty Million Dollar mark. The credit of the State must not be lost. The debts must be paid or arrangements made to pay them. They have been accumulating yearly for nearly or over a quarter of a century—since about the year 1907. There has been in recent years no budget balancing. The appropriations grew larger year by year and the income failed to keep step; hence the gradual growth of the deficit. Each Legislature appropriated more than the revenue produced thereby increasing appropriations and decreasing revenue annually and causing a growing deficit. Banks call it overdrafts.

This must end. The debts must be paid. The budget must be balanced. For the debts you and the Executive are responsible only in a small degree; but we are now met face to face with the responsibility to pay or arrange to pay the debts, and to balance the budget, so we can live within our income.

This we should determine now that the current debts of Alabama must be paid, that the schools must not close, that construct-

ing and maintaining roads must continue, that Federal road funds must be matched, that salaries and appropriations must be reduced, that useless offices and departments must be abolished, and that henceforth live within our income we shall.

How can the Twenty Million Dollar debt be paid?

Taxation on real and personal property has reached the limit in Alabama. Since the organization of the State that property has been the chief source from which the revenue of the State has been secured. No additional levies should be placed thereon; but in time it should be relieved in part at least of the burden it bears in producing the State's revenue.

Should this debt be paid by levying a "Sales tax on all retail sales to be paid by the consumer"? If so, it should be called the consumer's tax.

The consumer now, as a rule, is battling for bread, hunting for food, seeking clothes; and thousands and tens of thousands of them are idle, hungry and begging for the necessities of life.

To raise taxes we should go to those who have made money, who have money, who have the ability to pay and where profits and incomes have never been taxed in Alabama.

You are fundamentally democratic and to gather taxes you will never go to the poor, to the hungry and to the ragged consumers standing at the retail counters.

This financial principle of taxation was declared to be fundamental by being placed in the Democratic platform at Chicago in July and it is applicable to our situation in Alabama:

"Maintenance of the national credit by a Federal budget annually balanced on the basis of accurate executive estimates within revenues, raised by a system of taxation levied on the principle of ability to pay."

Our great leader—Roosevelt—correctly interprets that clause in the Democratic Platform by this declaration thereon:

"Our party says clearly that not only must Government income meet prospective expenditures, but this income must be secured on the principle of ability to pay.

This is a declaration in favor of graduated income, inheritance and profit taxes and against taxes on foods and clothing whose burden is actually shifted to the consumer of these necessities of life on a per capita basis rather than on the basis of the relative size of the personal incomes."

So the conclusion should be reached that this Twenty Million Dollar debt must not be paid by "a sales tax on all retail sales to be paid by the consumer."

To pay this debt and to secure revenue to aid in maintaining our schools we must go to those with ability to pay, by framing and levying an income tax. It is a just tax. You must have in your possession an income or you pay no tax. If there is no income then there is no tax to be paid. Income escaped taxation by the United States until 1916. Income has never been taxed in Alabama. This is a tax that the tax payer pays. It cannot be passed

on to the other fellow—the consumer. It is not levied until it is placed in the taxpayers pocket, belonging wholly to him.

The first Constitution of United States was adopted in 1787 but there was no Federal income tax placed on the statute books until 1915—128 years thereafter; then a world war and a Woodrow Wilson Democratic President were necessary to force an income tax into the Federal statutes. Alabama was admitted into the union in 1819, but during its 113 years of statehood there has been no income tax. Income escaped taxation by the Federal Government for over 128 years; and income escaped taxation in Alabama for 113 years and it is still escaping.

Have the federal income tax payers the ability to pay to Alabama a similar graduated income tax framed and modelled as to exemptions and scale after the federal income tax of 1931?

The figures made by Chief Examiner, J. H. Hard, Jr., hereto attached, from the Federal records, answers that question affirmatively.

These deductions are made therefrom:

INCOME TAX PAYMENTS ON RETURNS FILED IN ALABAMA

Year	Income Tax Paid	Income On Which Tax Paid	Income Remaining After Payment of Tax
1916	\$ 1,088,391	\$ 64,538,787	\$ 63,450,396
1917	4,707,276	133,912,080*	129,204,804
1918	7,791,362	165,491,643*	157,700,281
1919	7,502,844	170,483,961*	162,981,117
1920	7,469,790	195,608,335*	188,138,545
1921	3,703,190	129,911,442*	126,208,252
1922	5,692,299	156,093,267*	150,400,968
1923	7,597,699	205,025,731	197,428,032
1924	6,676,320	194,728,794	188,052,474
1925	7,305,143	172,954,465	165,649,322
1926	7,309,752	177,185,234	169,875,482
1927	6,617,140	168,891,562	162,274,422
1928	7,090,451	173,418,663	166,328,212
1929	4,730,288	151,658,306	146,928,018
Total, 1916-1929	\$ 85,281,945	\$2,259,902,270	\$2,174,620,325
1930	6,656,679	Not Available	Not Available
1931	4,308,287	Not Available	Not Available
1932	2,263,208	Not Available	Not Available
Total Income Tax Paid, 1916-1932	\$ 98,510,119		
*War Profits Tax, 1917-1922	\$ 34,557,866		\$ 34,557,866
Total Tax Paid Federal Government, 1916-1932	\$ 133,067,985		\$2,140,062,459

This table does not include foreign corporations or firms doing business in Alabama whose returns are filed in another State. They would make returns and pay in Alabama under a State income tax; and this would increase materially the above annual income tax payments.

These figures, show their income, their tax and their great profits left in their hands for seventeen years after paying the tax.

During seventeen years their income was \$2,259,902,270.00 plus their income for 1930, 1931, and 1932 which is not available. After paying during the seventeen years a total tax of \$133,067,985.00, there was still left in their hands the enormous profits aggregating \$2,140,062,459.00, plus the income for 1930, 1931, 1932. The war tax was \$34,557,866.00 and their regular tax \$98,510,119.00.

These figures clearly demonstrate, with unerring certainty, that the federal income tax payers are able to pay and that is where Alabama should go for its desired revenues.

The federal income tax payers in 1932 numbered in Alabama 215 domestic corporations and 7785 individuals—total 8000. Numerically they are small, financially they are able to pay and influentially they have great weight.

If the Alabama income tax payers had paid to Alabama during the seventeen years the same regular tax \$98,510,119.00, which they paid to the United States without the war tax (\$34,557,866.00) this would have been sufficient to pay all of the Alabama bonded debts—\$66,000,000.00, all of the current debts of Alabama—over \$20,000,000.00, and would have left in the Treasury of Alabama \$12,510,119.00; and they would still own and possess the great profits aggregating \$2,041,552,340.00 plus the net profits for the three years 1930, 1931, 1932.

An income tax in Alabama, modeled after the Federal Income tax as to exemptions and with graduated tax scale as existed in 1931, will in a few years, pay all of the current debts of Alabama, greatly assist in running our schools and will gradually reduce in the future the ad valorem tax on real and personal property. It will now, during these abnormal times, furnish sufficient funds as shown by the above federal tax returns, to pay the interest on the current debt, pay One Million Dollars annually of the principal and furnish a large sum to supplement the Educational Trust Funds of the schools.

A constitutional amendment authorizing a Twenty Million Dollar bond issue to pay the current debts of Alabama as of October 1, 1932, and an income tax amendment can be submitted by you to the voters at the regular election on the 8th of November. In order to do so you must pass it in time for a proclamation of the election to be advertised for eight successive weeks immediately preceding the election; and this session must finally adjourn before the general election in order to submit the amendments at the

regular election. If you adjourn finally before the 8th of November and you pass the amendments before September 3rd, then they can be submitted to the voters on November 8th at the regular election.

An enabling income tax bill can be passed by you to be effective when the Bond amendment and the income tax amendment are approved by the electorate. It can levy a tax on incomes for 1932. The tax can be used to pay annually the interest on the bond debt and a part of the principal; and the balance can be appropriated to supplement the educational trust funds to be used for school purposes.

If the voters approve the amendments on the 8th of November, this will make the enabling act effective at once and returns from the income levies will be forthcoming by, or before, the first of April, 1933.

THE SCHOOLS MUST NOT CLOSE.

Alabama's greatest asset is her children. Fifteen Million Dollars practically of this Twenty Million Dollar debt is due to education. Nearly five million of this debt is due the teachers for earned salaries.

These debts must be paid. My plan for paying and arranging to pay them has been fully stated to you.

The Educational Trust Fund taxes now aggregate an annual income for school purposes of practically Six Million Dollars. If this Six Million Dollar annual school trust fund is used to pay the Fifteen Million Dollar school debts, then it will take two and one-half years to pay it and during that time the schools would receive no state aid and would close or shorten their sessions. If the income tax and bond amendments are submitted and approved this will arrange to pay the entire school debts, add considerable sum to the school fund and leave the Six Million Dollar Educational Trust Fund free and clear for the schools. Reduction in salaries, appropriations and abolishing useless offices, employees and departments will lift some of the burden off of the General Fund and permit the schools to participate therein.

The maintenance appropriations for our higher institutions of learning can be materially decreased by requiring non-resident students to pay a reasonable tuition fee.

We have three Higher Institutions of Learning. They are doing a great work. We have three presidents—one for each institution—two drawing Twelve Thousand Dollars each and one Ten Thousand Dollars annually, total salaries of presidents—\$34,000.00. There are many overlapping departments in each institution. There are three Boards of Trustees, one for each institution; and there is also a State Board of Education. These institutions are located, one at Tuscaloosa, one at Auburn, and one at Montevallo. Their locations should not be changed. There should be no over-

lapping in departments. There should be one president or chancellor of the three institutions and one Board of Education in Alabama to control and direct all of the Educational Institutions of the State. The State Board could do the work of the present State Board and the three Boards of Trustees. This should be given close study by a committee recommended herein to be appointed. This in my opinion will promote efficiency as well as economy.

PUBLIC ROADS.

Public roads must be constructed, maintained and Federal funds matched.

Good roads are a real public necessity. The Federal Aid roads should be completed as soon as practicable. Many other roads should be built, completed or located connecting the County seats as was originally contemplated.

Hereto attached is a letter from Hon. Landon G. Smith, Highway Director, from which we gather the following facts:

Federal Government notified us, if matched Alabama is entitled to

Regular Federal Aid.....	\$5,469,694.24
Special Flood Relief, if matched.....	1,137,416.19

Total Federal Aid due and unmatched.....	\$6,607,110.43
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By recent act of Congress there was allocated to Alabama the sum of \$2,558,229.00. This is being used to match that much of our regular Federal Aid Fund—; and the State is now preparing to advertise the entire amount of this work and expects to have it under contract within the next few weeks. After matching an equal amount of Federal Aid, as above stated, with that money, there will still be a balance of unmatched Federal Aid amounting to \$4,048,881.43. Between now and December 1, 1934, there will be allotted to Alabama by the Federal Government according to the present plan of allotment the further sum of.....\$ 6,750,507.00 which we can secure if matched. This with the bal-

ance now due, if matched.....	4,048,881.43
makes total Federal Funds available.....	\$10,799,388.43

if matched between now and December 1, 1934. Under the present road revenue these funds can not be matched. They should be matched. Alabama needs this money for roads. At present there is a five cent tax on gas. All is collected by the State without cost to the counties. The counties receive two-fifths of it; after October 1st the counties will receive three-fifths and the State two-fifths. There are Forty-three Million Dollars in road bonds, bearing interest and from this two cent gas tax of State the interest on all the bonds must be paid, the bonds as they mature must be retired and the roads maintained by the State. This is impracticable and im-

possible. There are in the State prisons 5592 convicts and there are 1840 convicts out on temporary paroles. Three thousand of them, or more, should be on the public highways constructing and maintaining roads. There should be 30 or 35 permanent road camps, established on farms, in different localities in all parts of the State so convicts could construct and maintain many, if not all, of the roads in every county in the State. This should be done. It can be done, if funds are provided. Connected with each camp could be a farm, where some of the convicts could work and raise food and supplies for those at road work. Those who use the roads should pay for them. The gas and motor vehicles used on them should be taxed to pay the cost. The one cent gas tax due to go to the counties on October 1st should be given to the State and the State should have the additional sum of one or two cent tax either from the counties or by additional direct tax on gas. When the convicts are placed in 30 or 35 permanent camps and many or all roads worked by them in every county in the State, the counties will be relieved of great financial expense and will secure a splendid system of roads.

This subject should be carefully considered by you and sufficient revenue should be provided to match the Federal Aid Funds, to pay the road bonds as they mature, to pay the interest on them, to secure sufficient permanent road camps, so convicts can be worked on roads in every county in the State. This we earnestly recommend.

There seems to be some confusion growing out of the efforts to enforce our law for taxing and regulating busses, trucks and motor vehicles using the highways of the State. Busses and trucks hauling heavy loads necessarily damage the highways to some extent. They are using the highways in the conduct of their business, and they should pay a reasonable and proper tax for this privilege. They should also be regulated so that all others using the highways will not be endangered on account of the use made of the road by the heavy loaded and large busses and trucks.

I recommend that you investigate this subject and adopt proper regulations and require reasonable license and taxes.

REDUCTION OF SALARIES AND APPROPRIATIONS.

In this matter you and I are personally interested. Permit me to say in advance of anything else that may be said on this subject that I will be glad to accept any reduction in my own salary which to the Legislature may seem just and that I would be unwilling to see the other officials and employees, with whom I have the honor of laboring, have a reduction in their compensation without having my own salary reduced.

The financial condition of many of the citizens of the State makes it right in my opinion for the salaries of all public officials

and employees, State, County and Municipal, to be reduced. We must remember that we have all taken an oath to support the Constitution of the State. We should not knowingly adopt an unconstitutional law.

Section 150 of the Constitution provides, that,

"The justices of the Supreme Court, chancellors, and the judges of the circuit courts and other courts of record, except probate courts, shall at stated times receive for their services a compensation which shall not be diminished during their official terms".

Section 281 of the Constitution provides,

"The salary, fee, or compensation, of any officer holding any civil office of profit under this State, or any County or Municipality thereof, shall not be increased or diminished during the term for which he shall have been elected or appointed".

I, therefore, recommend that you submit to the qualified electors of the State an amendment to the Constitution fixing the salaries of all officials of all departments at such an amount as you believe they should be for the remainder of the term for which they have been elected. The new salary to begin as compensation for the month of December, 1932, and continue for the term for which the present incumbents have been elected. You can then adopt, if you see proper, a bill fixing the salaries for the future so that subsequent legislatures could raise or lower as conditions might warrant. In other words, you would not fix their salaries by the Constitution except for the term for which the present incumbents have been elected.

With reference to all employees not effected by these constitutional provisions, I recommend as follows:

1st. That salaries be equalized. In some departments employees are paid more than employees in other departments for the same character of work. The salaries should all be equalized.

2nd. That a study be made of the time the salaries were fixed and that the salaries be so fixed that taking into consideration present conditions, every employee receive only a fair and reasonable compensation for the work actually done. If you will appoint a small committee, say of three from the House and two from the Senate, to study the salary situation I will be glad to furnish this committee promptly with a list of all salaries and compensation by departments. This information has been prepared and is ready for you.

ABOLISHMENT OF OFFICES AND DEPARTMENTS.

I recommend, in the interest of economy, that the Court of Appeals be abolished at the termination of the present term of the judges of this Court. I believe that the appellate work could be done satisfactorily by the Supreme Court without adding any judges to it. The Court might, if necessary, in order to assist in economizing in state government, lengthen its term and shorten its vacation period. Many of the criminal cases and cases involving no

new legal questions can be decided without writing opinions. I believe that the work can be done with due regard to time and law enforcement without adding any judge or any clerks or any other expense to the Supreme Court and that the total present cost of the Court of Appeals can be saved.

A number of law and equity courts, or other inferior courts, have been established in different sections of the State. I vetoed all of the bills establishing these courts which were passed during my administration. I believe that almost all of these courts could be abolished without injury to law enforcement and the orderly dispatch of the business which should properly be disposed of by the courts. In some instances the circuits might be changed so that the work may be more equitably distributed. I believe that a committee from your Body could investigate this and could so arrange the circuits that the work could properly be done without added judges and that the expense of the law and equity courts could be saved without any injury to our government.

This administration abolished the services of the law enforcing officers and the Attorney General has dispensed with the undercover men. Their duties, as they should be, are being performed by the sheriffs of the State, as the Constitution and Statutes direct. This reduces annually the expenses of government at least One Hundred and Fifty Thousand Dollars. There are thirty game wardens in Alabama. The Examiner of Accounts informs me, letter attached, that their salaries for the month of June amounted to \$3,684.00 and their traveling expenses to \$5,148.77, or a total of \$8,832.77. This would make the total cost per year aggregate \$105,993.24. This \$100,000.00, plus, per year can be saved by placing their duties on the sheriffs of Alabama. These thirty game wardens look after and care for the life of the 'possums, coons, squirrels, birds, deer, etc. We trust the sheriffs to protect and guard the lives, liberty, happiness and property of our citizens and I am sure we can and should trust them to protect and guard the lives of 'possums, coons, birds, etc., and thereby reduce the expenses of government at least One Hundred Thousand Dollars annually. This could be placed on future salaries of teachers. This is just a sample of many of the enormous expenses of this government, useless and unnecessary, which can be saved by the elimination and abolishing process.

The burden of the tax payer cannot be reduced sufficiently by reducing the expenses of state government, if we leave the municipal and county governments too expensive. I believe that offices can be eliminated and combined and that salaries can be reduced and the expense of government greatly reduced in our municipalities and counties, and I recommend that you make proper investigation and enact necessary laws to reduce the expense of municipal and county government.

LIVE WITHIN OUR INCOME.

One of the recommendations of the Brookings Institution is that we have a Budget Commission and a sound budget and accounting law. I believe that this is one of the most important subjects to be studied by you. For a long time in Alabama appropriations have been made with little or no regard as to whether or not there would be revenue available to meet them. It will always follow that the State will be in debt if this kind of practice is continued. We should by all means have a Budget Commission and a good accounting system and no appropriation should become available in full unless there are sufficient funds to meet it. I hope that you will adopt the necessary legislation so that the State must live within its income.

I believe that every appropriation which has been made for any purpose should be repealed, effective September 30th, and that an entirely new appropriation bill to begin October 1st should be adopted. This appropriation bill should be made under the provisions of your Budget law, if you adopt one. Many appropriations must be decreased. The committee which you appoint to study the equalization and reduction of salaries and compensation could also study the reduction of appropriations to the end that reductions may be properly made so as not to destroy any necessary function of government and so as to reduce the cost of same as much as can properly be done.

The courts have held that the law of Alabama taxing the capital stock of National Banks was unenforceable because of the fact that there was discrimination in Alabama against persons or corporations engaging in competitive business with the National Banks.

I recommend that you carefully study this question and enact such laws as will make possible an enforceable law taxing the stock of National Banks on the same basis as the stock of the State Banks is taxed.

You adopted an Act to authorize the Governor of Alabama to have an audit made of all departments, offices and institutions of the state government and you appropriated for this purpose the sum of Forty Thousand Dollars (\$40,000.00). We employed Loomis, Suffern and Fernald, Certified Public Accountants, to make this audit and we paid them for the service the sum of Eight Thousand Dollars (\$8,000.00). The expense of printing the report was \$1,314.60, and the expense of distributing it was \$171.75, so that the total cost of the audit and of delivering the report to you and other citizens was \$9,486.35. This audit determined the amount of the current debt of the State at that time.

You also passed an Act to authorize the Governor to have a detailed study and survey made of the state government and to make an appropriation to cover the cost of the same. You appro-

priated for this purpose the sum of Thirty Thousand Dollars (\$30,000.00). We employed the Brookings Institution and paid them the sum of \$20,000.00. The expense of printing the report was \$6,600.00, and the expense of distributing it was \$331.44, so that the total cost of the survey and of delivering the report to you and other citizens was \$26,931.44. The survey made by the Brookings Institution was very thorough. These people are reputed to be the best in the United States for the work covered by the act passed by you, that is analyzing the government and making recommendations of changes which would make the cost of government less and make government more efficient. They have done the same character of work in several of the States and were most highly recommended. Their report is very exhaustive. Necessarily it must be most thoroughly digested and studied in order for us to get the greatest amount of good from it.

I am sure that some of the recommendations are impractical at this time and I am also sure that many of them are good and can be used to advantage in Alabama. I recommend that you continue your study of the report while you are in session and that you enact into law any of the recommendations which you approve and that you provide for the employment of a small number of men, about five, one or two of whom should be lawyers and the others business men, to study the report, make recommendations to a future session of the Legislature with bills enacting into law those measures which they approve and recommend. This would probably necessitate several amendments to the Constitution and these Constitutional amendments could be prepared by the committee. Of course, any recommendations which will be made by the committee should be approved by the Legislature.

I am continuing my study of the report and may have some further recommendations to make to you before your session adjourns.

In unity there is strength. There is a great financial crisis in Alabama. We must meet it. It can be done. We must work together harmoniously, economically, wisely and patriotically. In you we have implicit confidence. You have the good of the State at heart. Your every impulse is to give relief. Co-operate with you, I will. You will find the Executive office wide open to you and the Executive ready for consultation and collaboration with you at any time.

B. M. Miller,
Governor.

STATE OF ALABAMA
DEPARTMENT OF EXAMINERS OF ACCOUNTS
MONTGOMERY

August 8, 1932.

Hon. B. M. Miller,
Governor of Alabama,
The Capitol.

Dear Sir:

I enclose herewith a statement prepared from the records of the United States Bureau of Internal Revenue showing, (a) Amount of Income Tax paid by individuals and corporations for the years 1916-1932 inclusive, (b) Net income on which these taxes were paid, and, (c) Net income remaining after payment of tax. The last two items are not available for the years subsequent to 1929.

The Collector of Internal Revenue advises that during the period from July 1, 1931 to May 31, 1932, 8,000 taxable returns were filed in Alabama, distributed as follows:

Corporations	215
Individuals	7,785

Total Taxable Returns Filed... 8,000

None of the above statements include foreign corporations or firms doing business in this State who file their returns and pay taxes in some other State.

H:b
encl.

Respectfully submitted,

J. H. HARD, JR.,
Chief Examiner of Accounts.

STATE OF ALABAMA
HIGHWAY DEPARTMENT
MONTGOMERY

August 10, 1932

Governor B. M. Miller,
Montgomery, Alabama.
My dear Governor:

In accordance with your request I am outlining below the condition that at present confronts the Highway Department.

For Fiscal Year 1931-32

Highway Revenue from Motor Vehicle Licenses.....	\$2,373,000.00
Gas Excise Tax.....	4,343,000.00

	6,716,000.00
Bond Retirement and Interest will require.....	3,244,000.00

Available for all Highway purposes.....	3,472,000.00
Debts incurred prior to this fiscal year.....	1,015,000.00

Balance available for operations.....	\$2,457,000.00
We will receive from Federal Aid on projects now under construction, and miscellaneous revenues.....	1,206,000.00

Total Net Revenues.....	\$3,663,000.00
Maintenance of approximately 5500 miles of road and completion of projects now under construction.....	3,537,000.00

Balance available for all purposes.....	\$ 126,000.00
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There is of July 31, 1932 outstanding and unpaid highway warrants of prior years amounting to \$1,382,220.26 due and payable by the General Fund of the State. There is no money available to pay these warrants. If they must be paid from current revenue of the Highway Department, the estimated funds available for highway operations during next year must necessarily be reduced by this amount. Under such conditions all operations of the Department will practically cease.

One-third of the revenue from the Gas Excise Tax will go to the Counties on October 1, 1932. This is the one cent gas tax levied by the 1931 Legislature. This will reduce the Highway Revenue for 1932-33 to

Motor Vehicle Licenses.....	\$2,250,000.00	
Gas Excise Tax (2 cents).....	2,750,000.00	\$5,000,000.00

Less:

Bond Retirement and Interest.....	2,971,000.00	
Accounts Payable Oct. 1, 1932.....	374,000.00	3,345,000.00

Available all Highway Purposes.....	\$1,655,000.00
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Maintenance of existing roads will consume all of this, therefore there will be no money for construction or betterments.

The Federal Government notified the Highway Department on June 30, 1932, that outstanding and unmatched regular Federal Aid

amounted to.....	\$5,469,694.24
Special Federal Flood Relief unmatched amounted to.....	1,137,416.19

Total unmatched Federal Aid amounts to.....	\$6,607,110.43
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By a recent Act of Congress the Federal Government allocated to Alabama \$2,558,229.00. This money is advanced to the States for the purpose of matching existing and outstanding Federal Aid. We are now preparing to advertise the entire amount of this work and expect to have it under contract within the next few weeks. This amount, matching an equal amount of Federal Aid, as stated above, will leave a balance of unmatched Federal Aid in the amount of \$4,048,881.43.

Between now and December 1, 1934, according to the present plan of allotment the additional sum available by matching will amount to.....\$6,750,507.00

Total Federal Funds available with no provision for matching.....\$10,799,388.43

This includes the apportionment for 1936, which is available for matching by December 1, 1934. None of these funds can be matched from present revenue.

Respectfully,

Landon G. Smith,
Highway Director.

Montgomery,
August 8, 1932.

STATE OF ALABAMA
DEPARTMENT OF EXAMINERS OF ACCOUNTS

Montgomery

Hon. B. M. Miller,
Governor of Alabama,
The Capitol.

Dear Sir:

For your information I wish to advise that the pay roll for the Department of Game and Fisheries for June 1932 shows that thirty (30) Game Wardens are employed. Their salaries amount to \$3,684.00, and their traveling expenses \$5,148.77, or a total of \$8,832.77 for the month.

Respectfully submitted,

H:b

J. H. HARD, JR.,
Chief Examiner of Accounts.

At the conclusion of the reading of the Governor's message, the Senate returned to its chamber, and was called to order by Lieutenant-Governor Merrill.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Edmundson
Farmer
Faulk
Fletcher
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Jordan
Kelley
Lapsley
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

RESOLUTION

Mr. Teasley offered the following Senate resolution:

S. R. 10. The Rules Committee is hereby instructed:

1st. That it is the sense of the Senate that its clerical force be reduced 20% under the Regular Session of 1931.

2nd. It is further the sense of the Senate that the per diem of the clerical force of the Senate be reduced 25%.

3rd. It is further the sense of the Senate that the per diem of the members of the Senate be reduced 25%.

4th. It is further the sense of the Senate that the per diem of the pages and messengers be reduced 20%.

Mr. Hildreth moved that said resolution be laid upon the table, which motion prevailed and the resolution was tabled.

Yeas, 19; nays, 13.

*Yeas:***Messrs.:**

Bonner	Garrett	Lapsley	Powell	
Cooper	Goodwin	McDaniel	Shepherd	
Cowart	Hildreth	McDowell	Walker	
Edmundson	Hooton	Millsap	Wikle	
Farmer	Kelley	Mullins		—19

*Nays:***Messrs.:**

Bartlett	Craft	Faulk	Scruggs	
Beasley	Darden	Hubbard	Teasley	
Brown	Delony	Jordan	Warren	
Caffey				—13

RECESS

At two P.M., on motion of Mr. Powell, the Senate took a recess until Four o'clock this afternoon.

AFTERNOON SESSION—FIRST DAY

Tuesday, August 16th., 1932.

The Senate re-assembled at 4 o'clock P.M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Present:

Messrs.:

Bartlett	Edmundson	Jordan	Powell
Beasley	Fauk	Kelley	Riddle
Bonner	Fletcher	Lapsley	Scruggs
Brown	Garrett	McDaniel	Shepherd
Caffey	Goodwin	McDowell	Teasley
Cowart	Hildreth	Millsap	Walker
Darden	Hooton	Mullins	Wikle
Delony	Hubbard		

—30

A quorum of the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Walker:

S. 1. To amend Sections 1 and 2 of an act entitled "An act to provide for the expenses incurred by members of the Legislature of Alabama while in attendance upon sessions of the Legislature.
Committee on Finance and Taxation.

By Mr. Walker:

S. 2. To amend Section 3110 of the Code of Alabama 1923.
Committee on Finance and Taxation.

By Mr. Walker:

S. 3. To amend Section 3111 of the Code of Alabama 1923.
Committee on Finance and Taxation.

By Mr. Walker:

S. 4. To repeal Section 3122 of the Code of Alabama 1923.
Committee on Finance and Taxation.

By Mr. Walker:

S. 5. To amend Section 58 of the Code of laws relating to education adopted by an Act of the Legislature entitled, "An Act to adopt the Code of laws relating to education, proposed in accordance with the provisions of the Act approved August 11, 1927, entitled 'An Act to provide for the revision, codification, digesting and promulgation of the public statutes of Alabama relating to education,'" approved August 27, 1927.

Committee on Education.

By Mr. Walker:

S. 6. To amend Section 260 of an Act approved September 15, 1919, entitled, "An Act, to provide for the general revenue of the State of Alabama."

Committee on Finance and Taxation.

By Mr. Kelley:

S. 7. To amend Section 9 of an act entitled "An act to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 11 and 12, and add Section 12½ thereto of an act entitled, 'An act imposing an excise tax on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling or distributing gasoline or other liquid motor fuels in this State,—providing for the collection and payment of such tax, and the distribution of the funds derived therefrom, and fixing the penalties for the violations of any of the provisions of this act, approved February 10th, 1923.'"

Committee on Finance and Taxation.

By Mr. Kelley:

S. 8. To abolish the offices of tax collector and tax assessor in each of the several counties of Alabama; to create the office of tax commissioner for each of the several counties of the state of Alabama; to provide for the election of such tax commissioner; to fix his duties, his qualifications and compensation; to provide for the appointment of deputies and clerks.

Committee on Finance and Taxation.

By Mr. Cowart:

S. 9. To withdraw and take away from the Court of County Commissioners of Winston County, Alabama, all jurisdiction over public roads and bridges and public road and bridge funds in said county; to create and establish a Highway Commission for said county to be composed of the Probate Judge of said county and two other members to be appointed; and to invest said Highway Commission with jurisdiction, authority over public roads and bridges and over public road and bridge funds in and for said county; to provide for the terms of office and compensation of said members; and to define the powers, jurisdiction, duties, authority, and responsibilities of said commission; and to repeal all laws, local and general, in conflict herewith in so far as the same apply to Winston County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that an application will be made to the Legislature of Alabama at the special or call session for the year 1932, for the passage of a Local Act for Winston County, which Act is in sub-substance as follows:

A BILL TO BE ENTITLED AN ACT

To withdraw and take away from the Court of County Commissioners of Winston county, Alabama, all jurisdiction over public roads and bridges and public road and bridge funds in said county; to create and establish a Highway Commission for said county to be composed of the Probate Judge of said county and two other members to be appointed; and to invest said Highway Commission with jurisdiction, authority over public roads and bridges and over public road and bridge funds in and for said county; to provide for the terms of office and compensation of said members; and to define the powers, jurisdiction, duties authority, and responsibilities of said commission; and to repeal all laws, local and general, in conflict herewith in so far as the same apply to Winston county, Alabama.

Be it enacted by the Legislature of Alabama:

SECTION 1. There is hereby created a highway commission in and for Winston county, Alabama, to be known as the COUNTY HIGHWAY COMMISSION. Said County Highway Commission shall be composed of the Judge of Probate of said county who shall be ex-officio chairman of said commission and two associate members who shall be appointed by the Governor of Alabama, and who shall hold office during the term of the present governor, and until their successors are appointed and qualified, whose successors shall be appointed by the successive governors of Alabama, and who shall hold office concurrently with the governor making the appointment and until their successors are appointed and qualified. Said associate members, who shall be qualified electors of Winston county, Alabama, shall be appointed by the Governor by reason of their honesty, efficiency and business ability.

The governor shall fill all vacancies on the commission by appointment, such appointee shall hold for the unexpired term and until his successor is appointed and qualified, and before taking office the commissioners shall take oath of office prescribed by law for other county officers in this State, which shall be likewise filed and recorded.

SECTION 2. Said County Highway Commission shall meet monthly on the second Wednesday in each calendar month, and at such other times as may be fixed by said commission, subject to call of the chairman, with sufficient notice to associate members, at the courthouse in Double Springs, Alabama, provided, however, that they may meet alternately in Double Springs and at Haleyville, Alabama. The chairman of said commission shall preside at all meetings and shall act as Secretary of the Board: provided, however, that in the absence of said chairman, any member of the commission may preside and act as Secretary of the meeting. A majority of the commission shall constitute a quorum, and the chairman shall only vote in the event of a tie. The affirmative votes of two members of said commission shall be sufficient to decide any question coming before said Commission for decision.

SECTION 3. The said County Highway Commission is hereby invested with general and exclusive jurisdiction, control and superintendence of public roads, bridges and ferries, and public road and bridge funds and money, in Winston county, Alabama, and may and shall do and perform all acts and exercise all jurisdiction and perform all the duties relative to the public roads, bridges and ferries in said county, to the construction, maintenance, repair and superintendence and working thereof, and to the collection of road taxes in said county, and the enforcement of the collection of said road taxes. And said County Highway Commission and its members shall have and exercise all the jurisdiction, rights, powers and authority over said public roads, bridges and ferries in Winston county, Alabama, and over the public road and bridge funds and money of said county, and over the collection of the road taxes and the working of the roads in said county, and shall perform all the services and duties relative to said public roads, bridges and ferries which are now or

may hereafter be vested in or put upon Courts of County Commissioners, Boards of Revenue and other governing bodies or courts of like kind by the general laws of Alabama. All jurisdiction of the Court of County Commissioners of Winston county, Alabama, over public roads, bridges and ferries of Winston county, Alabama and over the construction, maintenance and repair thereof, and all right and or authority of said court of County Commissioners to Control and expend the public road and bridge funds of said county are hereby abolished and repealed.

SECTION 4. The Judge of Probate shall procure permanent, well-bound books similar to those provided for the minutes of the court of county commissioners in which there shall be recorded all acts of the county highway commission, and the filing of all claims auditing the same and the allowance thereof shall be in the same manner as now provided for by law as to courts of county commissioners. For the services rendered by the Judge of Probate, as ex-officio chairman of the county Highway Commission and as secretary thereof, he shall receive annually the same amount of money from the county as is now provided by law for the Probate Judge of Winston County, Alabama, for ex-officio services rendered in public road and bridge matters for said county, but he shall not receive any per diem for acting as ex-officio chairman of the county highway Commission. Each associate member of said commission shall receive \$5.00 per day for each day they attend a meeting of said commission, and for the time actually expend in the performance of their duties, provided that said associate members shall not receive more than \$50.00 in any calendar month. All money paid to the associate members of said commission for services rendered as members thereof shall be paid out of the public road and bridge fund of Winston County, Alabama.

SECTION 5. The County Highway Commission shall have authority to make and promulgate such rules and regulations as to the location, construction and maintenance of public roads, bridges, and ferries in Winston County as they see fit, provided that said rules and regulations do not conflict with the constitution or general laws of the state of Alabama. All legal procedure, remedies, appeals and reviews in the courts from and about the exercise of jurisdiction of the County Highway Commission shall be the same as now provided by general law as to courts of county commissioners, boards of revenues, and governing bodies of like kind in Alabama, exercising similar acts and jurisdiction. Said highway commission as soon after the appointment and qualification of members thereof as practicable shall divide said county in as many road districts as in the discretion of the board is necessary; not less than five nor more than seven districts; and the same commission is hereby authorized and empowered to employ a district road supervisor for each of the said districts to supervise all construction and maintenance of the roads and bridges of his district, and shall fix his duties and compensation and may discharge such supervisors at their discretion and employ other supervisors. Such supervisors may be employed for such time as in the judgment of said commission is necessary to the proper construction and maintenance of roads, bridges, and ferries of the county.

SECTION 6. Said district road supervisors subject to the approval of the Highway Commission of said county shall as soon after his appointment as practicable, appoint as many road overseers in their respective districts as may be necessary for the working, maintenance, and construction of roads in in said district, which said overseer shall not be under 21 nor over 55 years of age, and shall apportion the road hands in their respective districts to the different roads therein, and shall order the road overseers to call out the hands on said road for the purpose of maintaining and working said roads at such times as the district road supervisors may deem best, and to report to the grand jury of said county at its next regular term any overseer who fails to discharge his duties as such.

SECTION 7. All persons over 18 and under 45 years of age are liable to work on the public roads in said county for five days in each year, except

such as are exempt under Section 5778 of the Code of Alabama of 1907, and all provisions of the general law of the State of Alabama with reference to the public roads and as to working same, and to exemption, and all other provisions as to public roads shall be applicable to the working of the public roads in said county, except where same is in conflict with the provisions of this act.

SECTION 8. That any person liable to road duty may work five days, or be exempt from work, by himself or substitute, by paying to the supervisor of his district or the overseer of the road to which he is apportioned, on or before the first day of February of the current year in which he is liable to road duty, the sum of five dollars, which shall exempt him from road work for the year. The Highway Commission of said county shall cause to be printed receipt books with stubs, and furnish each supervisor and overseer with sufficient supply of such books and when and as often as any person liable to road duty pays an overseer or supervisor in lieu of working such overseer or supervisor shall give such person a receipt for the amount paid and shall number the stubs to correspond with the number of the receipt and such stub shall show the amount received and from whom. The overseer and supervisor shall from time to time pay such money over to the Judge of Probate of said county taking his receipt there for. Whereupon it shall be the duty of the Judge of Probate to pay same to the county treasurer or other custodian of public funds of the county to be placed to the credit of the road fund of said county. All overseers and supervisors shall, on or before the first day of March of each year, deliver to the Probate Judge all stubs of receipts for money collected from road hands. And road overseer or supervisor who converts any such money to his own use or to the use of another, or who willfully fails or refuses to account for the same as required by law, shall be guilty of embezzlement and shall be punished accordingly. The money collected from persons liable to road duty shall be devoted to maintaining and keeping in repair the public roads of the county to which the persons paying the same were apportioned.

SECTION 9. That any overseer who performs any work on the public roads of said county over and above the five days required by law for such overseers to work, shall be such reasonable sum for labors as may be fixed by the Highway Commission of said County.

SECTION 10. The Court of County Commissioners of said county may transfer to the road fund of the county any surplus of general funds in the county treasury, or any part of said surplus, whenever in the judgment of said Court it will promote the interests of the county to make such transfer. Any surplus of general funds so transferred shall be used for the working of the public roads or the building of bridges or otherwise improving the public roads of said county as the Highway Commission may determine.

SECTION 11. That the general laws of Alabama with reference to the mode of warning hands to work on the roads, with notice to be given, the kind of tools or implements to be brought by the hands, and also the general laws as to road defaulters and punishment and prosecution of the same shall not be construed to be repealed by this act, but the same shall be in full force and effect as to said county.

SECTION 12. That the overseers shall preserve carefully all the tools and implements for working on the road turned over to them at any time by the Highway Commission of said county or by the supervisors of their districts and shall use same only to work on public roads and shall deliver the same to the secretary or to the supervisor, taking his receipt therefor, or on the order of the county Highway Commission.

SECTION 13. That any overseer or road supervisor who fails to perform his duty as such under the provision of this act shall be guilty of misdemeanor and upon conviction shall be fined not less than five dollars nor more than twenty-five dollars.

SECTION 14. Such commission shall also have power and authority to employ such other labor and teams as may be necessary for the construction, maintenance, and improvement of roads, bridges, and ferries of said county and to buy machinery, tools and implements, books, receipt books, records, and stationery to be used by said Commission and other necessary equipment and road material which in their judgement is necessary for use on the public roads, bridges, and ferries of said county and to provide for the necessary sheltering and housing of the same and to pay all necessary expenses incurred by said commission or any member thereof in performing the duties imposed by this act. Said commission shall have authority when it deems it necessary to employ an engineer on such terms and for such time as is necessary in the location, change, or construction of any public road in the county and to pay him for his services out of the road and bridge fund of the county. Such commission shall have exclusive jurisdiction and control over the expenditure of all road and bridge funds in said county from whatever source obtained and shall pay the same out upon warrants issued by the chairman of said commission after having been authorized by the vote of two or more members of the said commission and the treasurer of the said county or other custodian of the public funds of said county shall pay the warrant so drawn upon their presentation out of the road and bridge funds of said county.

SECTION 15. If any section or provision of this act shall be declared void or unconstitutional, it shall not affect the validity of any other section, part, or provision hereof.

SECTION 16. Except so far as the same may be in conflict with the provisions of this act the general laws now in force in this State with reference to public roads, public highways, ferries, and bridges, shall be in full force and effect in Winston County, Alabama.

SECTION 17. That all laws and parts of laws, local, special and general, in conflict herewith are hereby repealed.

SECTION 18. That this act shall take effect immediately upon approval by the governor of Alabama.

B. J. COWART.

PUBLISHER'S AFFIDAVIT.

The State of Alabama, }
Winston County. }

I, Geo. W. Adkins, publisher of The Winston Herald, a weekly newspaper of general circulation published in Double Springs, in Winston County, Ala., do hereby certify that the notice of intention to introduce Bill in Special session Legislature of Alabama for passage (copy attached) has been published in the above named newspaper for 4 regular successive weekly issues prior to date viz: in the issues bearing the following dates: July 22, July 29th, August 5th and 12th, 1932.

This August 13, 1932.

GEO. W. ADKINS, Publisher Herald.

Sworn to and subscribed before me, this August 13, 1932.

Z. McDAY,
Notary Public.

(Seal)

By Mr. Scruggs:

S. 10. To abolish the office known as State Prison Inspector, and to require the State Health Officer to take over, assume and perform all of the duties of the State Prison Inspector and his assistants, clerks and/or stenographers, and to provide that all the duties now required by law to be done or performed by the State Prison Inspector, and all of the powers now given to the State

Prison Inspector by law be and the same are hereby transferred to and made a part of the duties, powers and obligations of the State Health Officer of the State of Alabama; to provide that all prisons, penitentiaries, city prisons, city jails, county jails, alms houses, asylums, penal institutions, or institutions of like kind or character shall be inspected in the same manner as now provided by law; that such inspections shall be made by the county or city health officer or person in charge of the county health unit of the county or city in which such institution is located under the direction, rules and regulations of the State Health Officer of the State of Alabama not in conflict with existing laws in Chapter 168 of the Code of Alabama of 1923, and to provide that such inspection and the enforcement of such rules and regulations shall be done and carried on and performed by the State Health Officer by and with the aid of the county or city health officer or person in charge of the county health unit of the respective cities and counties of the State without any further, other or additional charges or appropriations for that purpose, and repealing all appropriations heretofore made for salaries, expenses or expenditures for the State Prison Inspector's office; and to provide that this Act take effect immediately upon its approval.

Committee on Penitentiary, Prison and Prison Punishment.

By Mr. Scruggs:

S. 11. To amend Section 63 of the Alabama School Code of 1927 of the State of Alabama.

Committee on Education.

By Mr. Scruggs:

S. 12. To repeal Sections 1 and 3, and to amend Section 2 of an act entitled, "An act to provide for the inspections of dairy farms and milk plants and for the grading of the milk and cream out put of such establishments," approved August 13th, 1927.

Committee on Public Health.

By Mr. Scruggs:

S. 13. To amend Section 169 of the Alabama School Code of 1927.

Committee on Education.

By Mr. Jordan:

S. 14. To require the Court of County Commissioners, or like governing body of St. Clair County, to appropriate annually out of the general fund of the County a sum not less than three thousand (\$3,000.00) dollars; such sum to be preferred claim and payable to the budget of the St. Clair County Health Department for the establishment, maintenance and operation of a health department in the county.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that in the event the Legislature of Alabama is called into extraordinary session during 1932, a bill will be introduced for passage, which in substance, will be substantially as follows:

A BILL TO BE ENTITLED AN ACT

To require the Court of County Commissioners, or like governing body, of St. Clair County, to appropriate annually out of the general fund of the County a sum not less than three thousand (\$3,000) dollars; such sum to be preferred claim and payable to the budget of the St. Clair County Health Department for the establishment, maintenance and operation of a health department in the county.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Court of County Commissioners, or like governing body, of St. Clair County, shall appropriate annually a sum not less than three thousand (\$3,000) dollars, which shall be used for the purpose of establishing, maintaining and operating a health department in the county; said funds to be a preferred claim on the general fund of the county and payable in monthly installments to the budget of the St. Clair County Health Department.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor.

State of Alabama, }
St. Clair County. }

Before me, a Notary Public, in and for said State and County personally appeared F. W. White, the publisher of The Pell City News, a newspaper published at Pell City, Ala., in said county, and who being duly sworn deposes and says that the foregoing notice hereto attached has been regularly published once a week for Four consecutive weeks in said paper. Dates March 10-17-24-31, 1932.

F. W. WHITE.

Sworn to and subscribed before me this the 9th day of Aug., 1932.
(Seal)

W. T. STARNES.

By Mr. Jordan:

S. 15. For the relief of T. F. Griffin, Sheriff of Etowah County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

EXHIBIT A

NOTICE

Notice is hereby given that if the Legislature is called into Extraordinary session during the year 1932, that a bill will be introduced for passage, the substance of which will be substantially as follows:

A BILL
TO BE ENTITLED
AN ACT

For the relief of T. F. Griffin, Sheriff of Etowah County, Alabama.

Whereas: That on or about October 1, 1931, one Charles R. Rockhart, charged with Burglary and Grand Larceny, escaped from the Etowah County jail, and

Whereas; Said escape was not the fault of said Sheriff T. F. Griffin but was beyond his control. Upon orders from the judge of Probate of Etowah County, Sheriff Griffin recaptured and returned the said Charles F. Rockhart to Etowah County, after which he was indicted and convicted on or about Nov. 20th, 1931, for the offense as originally charged. And

Whereas; The expense and cost of recapture and return of said Rockhart to Sheriff Griffin was Two Hundred, Thirty-three 97-100 (\$233.97) Dollars and there being no authority of law by which this expense and cost may be reimbursed the said T. F. Griffin, Now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. That the Chairman of the Board of Revenue of Etowah County is hereby authorized and directed to draw a warrant on the general fund of said county in favor of T. F. Griffin, Sheriff, for Two Hundred and Thirty-three 97-100 (\$233.97) Dollars and the Depository of said county is hereby authorized and directed to pay such warrant out of the General funds not otherwise appropriated, when presented.

Section 2. This Act shall become a law immediately upon its passage and approval by the Governor.

CIRCUIT COURT—IN EQUITY

The State of Alabama, }
Etowah County. }

Personally appeared before me, Walter M. Thompson, Register of said Court, L. R. Pinkerton, publisher of The Etowah Observer, a newspaper published in Etowah County, Alabama, who makes oath and says that the notice hereto attached, marked as Exhibit A., was published in the said The Etowah Observer, once a week for 4 consecutive weeks, commencing on the 4 day of Feb. and ending on the 25 day of Feb., 1932.

L. R. PINKERTON,

Publisher.

Subscribed to and sworn before me on this the 11 day of August, 1932.

WALTER M. THOMPSON,

Register.

By Mr. Jordan:

S. 16. To allow the Sheriff of Etowah County an additional deputy sheriff to that as now allowed by law, to fix his salary and make it payable out of the general funds of the county in monthly installments.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

EXHIBIT A.

NOTICE

Notice is hereby given that if the Legislature of Alabama is called into Extra-ordinary session during 1932 that a bill will be introduced for passage which is substance will be as follows; to-wit:

A BILL TO BE ENTITLED AN ACT

To allow the Sheriff of Etowah county an additional deputy sheriff to that as now allowed by law, to fix his salary and make it payable out of the general funds of the county in monthly installments.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the Sheriff of Etowah county is hereby allowed an additional deputy to the one now provided by law and shall receive a salary of Fifteen Hundred (\$1,500.00) Dollars per annum to be paid in twelve equal monthly installments out of the General Fund of Etowah county. Warrent to be issued by the Board of Revenue on the first day of each month upon the filing by the Sheriff, a statement of the name and amount due said deputy.

Section 2. Said deputy shall be appointed by and hold office at the pleasure of the Sheriff and shall be bonded to the Sheriff in such amount as may be required by law.

Section 3. All laws or parts of laws in conflict herewith be and they are hereby repealed. This Act shall become effective immediately upon its passage and approval by the Governor.

CIRCUIT COURT—IN EQUITY

The State of Alabama }
Etowah County }

Personally appeared before me, Walter M. Thompson, Register of said Court, L. R. Pinkerton, publisher of The Etowah Observer, a newspaper published in Etowah County, Alabama, who makes oath and says that the notice hereto attached, marked as Exhibit A., was published in the said The Etowah Observer once a week for 4 consecutive weeks, commencing on the 4th day of Feb. and ending on the 25th day of Feb., 1932.

L. R. PINKERTON,
Publisher.

Subscribed to and sworn before me on this the 11th day of August, 1932.

WALTER M. THOMPSON,
Register.

By Mr. Jordan:

S. 17. To provide that in Etowah County, agreements may be entered into for the lease, rental or hire of personal property not to exceed Two Hundred (\$200.00) Dollars in value, said agreements to be valid against purchasers for a valuable consideration, mortgagees, landlord's lien and judgment creditors without being recorded in the office of the judge of probate; to provide for the repossession of such personal property by the leassor; to prescribe penalties for the unlawful disposition of such personal property by the lessee, and to repeal all laws in conflict.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

EXHIBIT A.

NOTICE

Notice is hereby given, that if the Legislature of Alabama is called or convened in Extra-ordinary session during the year 1932, that a bill will be introduced for passage which shall be in substance substantially as follows, to-wit:

A BILL TO BE ENTITLED AN ACT

To provide that in Etowah county, agreements may be entered into for the lease, rental or hire of personal property not to exceed Two Hundred (\$200.00) Dollars in value, said agreements to be valid against purchasers for a valuable consideration, mortgagees, landlords lien and judgement creditors without being recorded in the office of the judge of probate; to provide

for the repossession of such personal property by the Leassor; to prescribe penalties for the unlawful disposition of such personal property by the Lessee, and to repeal all laws in conflict.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That in Etowah County, personal property, not to exceed Two Hundred (\$200.00) Dollars in value, may be leased, rented or hired at a specified rental, and a stipulated agreement entered into, between the owner as Leassor and the Lessee, which agreement may provide that upon the payment in full of the amount stipulated in such agreement, that the personal property so leased, rented or hired may become the property of the Lessee.

Section 2. That such agreements made and entered into in Etowah County, when the property is located in said county, shall be valid against purchasers for a valuable consideration, mortgagees, landlords with liens and judgement creditors, without being recorded in the office of the judge of probate of said county, provided, such agreements are in writing, signed in the presence of a witness and held subject to public inspection by the Leassor.

Section 3. The title to such property shall vest entirely in the Leassor until such agreements are fully discharged and completed, and the Leassor shall have the right to repossess such personal property upon such conditions as may be specified in the rental or lease agreement as provided in Section 1 of this Act.

Section 4. The sale, offer for sale, removal to another county or state, concealing or otherwise disposing of such personal property by the Lessee without the written consent of the Leassor, shall subject the Lessee to the same penalties as is provided by law in cases of fraudulent conveyances, and illegal disposition of property on which another has a claim.

Section 5. The provisions of this Act shall apply only to Etowah county and all laws or parts of laws in conflict herewith be and they are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the governor.

CIRCUIT COURT—IN EQUITY

The State of Alabama }
Etowah County }

Personally appeared before me, Walter M. Thompson, Register of said Court, L. R. Pinkerton, publisher of The Etowah Observer, a newspaper published in Etowah County, Alabama, who makes oath and says that the notice hereto attached, marked as Exhibit A., was published in the said The Etowah Observer once a week for 4 consecutive weeks, commencing on the 14th day of January and ending on the 4th day of February, 1932.

L. R. PINKERTON,

Publisher.

Subscribed to and sworn before me on this the 12th day of August, 1932.

WALTER M. THOMPSON,

Register.

By Mr. Warren:

S. 18. To submit to the qualified voters of the State of Alabama, at the general election to be held in November, 1932, for their consideration, an amendment to the Constitution of the State of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, to fix, regulate and alter the costs, charges of courts, fees, commissions, allowances to be charged or received by any county office of Tuscaloosa County, Alabama, including the Sheriff, Judge of Probate,

Tax Assessor, Tax Collector, Clerk of the Circuit Court and Register of the Chancery Court, and including the method or basis of their compensation, or to consolidate any of said offices into one.

Committee on Constitution, Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution of the State of Alabama.

By Mr. Warren:

S. 19. To define the business of burial companies, associations and societies; to provide for the better regulation of such companies, associations and societies; to protect such companies, associations and societies from unjust or discriminatory treatment by the Bureau of Insurance, and to fix a standard of solvency for such companies, associations and societies, and to provide penalties for violation of this act.

Committee on Banking and Insurance.

By Mr. Warren:

S. 20. To repeal that certain act printed on page 394 of General Acts of Alabama of 1931, and approved July 2, 1931, entitled, "An act to amend an act entitled an act to define the business of burial companies, associations and societies; to provide for the better regulation of such companies, associations and societies, and to fix a standard of solvency for such companies, associations and societies, and to provide penalties for violation of this Act," approved July 29, 1927.

Committee on Banking and Insurance.

By Mr. Beasley:

S. 21. To provide for a consolidation of certain revenues collected by the State Department of Game and Fisheries into one fund to be known as the Game and Fish Fund, and provide for the use of said fund. To provide for the paying of certain revenues to counties and to provide penalties for violation of the Act.

Committee on Fish, Game and Forestry.

By Mr. McDaniel:

S. 22. For the relief of the National Life and Accident Insurance Company, Inc., a corporation, and for the appropriation to it of Five Thousand Seven Hundred Sixteen Dollars and Twenty-two Cents (\$5,716.22), excess taxes collected from it by the Insurance Department.

Committee on Finance and Taxation.

By Mr. Powell.

S. 23. To repeal an act approved February 20th, 1931, entitled "An act to authorize the Senate and House of Representatives of the Legislature of Alabama to fix, by resolution, the per diem of the subordinate officers and employees of the respective Houses,

and to fix the expense allowance to the President Pro-Tem of the Senate.

Committee on Finance and Taxation.

By Mr. Bonner:

S. 24. To amend Section One of an act approved January 28th, 1927, and entitled, "An act to provide for the expenses incurred by members of the Legislature of Alabama while in attendance upon sessions of the Legislature.

Committee on Finance and Taxation.

By Mr. Bonner:

S. 25. Relating to the salary or compensation of officers or employees of the State, or of any department thereof whose compensation is paid out of State Treasury.

Committee on Finance and Taxation.

By Mr. Bonner:

S. 26. To abolish the four State Normal Schools for white teachers located as Jacksonville, Livingston, Daphne, and Moundville, Alabama; to repeal all appropriations heretofore made for the said four state normal schools; and to provide for the sale and, pending a sale, the rental of all property owned by the State of Alabama and used by or in connection with the said four State Normal Schools.

Committee on Education.

By Mr. Bonner:

S. 27. To abolish all State Secondary Agricultural Schools in Alabama; to repeal all appropriations heretofore made for the said schools; and to provide for the sale and, pending a sale, the rental of all property owned by the State of Alabama and used by or in connection with the said schools.

Committee on Education.

By Mr. Bonner:

S. 28. To amend an act approved July 28th, 1931, and entitled, "An act to make appropriations for the ordinary expenses of the Executive and judicial departments of the State and for interest on the public debt."

Committee on Finance and Taxation.

By Mr. Bonner:

S. 29. To propose an amendment to the Constitution of Alabama to be known as Article ——— authorizing the State of Alabama to issue and sell negotiable interest bearing securities of the State not exceeding in principal amount Fifteen Million Dollars (\$15,000,000.00) for the purpose of paying indebtedness of the State of Alabama created prior to January 1, 1932; to authorize the governor to sell and deliver all or any part of the said securities from time to time at not less than the par value thereof and to offer the said securities at the par value thereof in payment and

satisfaction of indebtedness of the State created prior to January 1, 1932; to provide for the funding of the indebtedness for the payment of which the said securities are authorized not later than January 1, 1938, and pending the funding thereof to authorize the governor to issue, sell and renew short-term securities of the State; to provide for the creation of a fund for the payment of the said securities by the pledging of such part of the annual tax of ten cents (\$0.10) heretofore levied on each One Hundred Dollars (\$100.00) of the assessed value of taxable property as shall not be required for the relief of needy confederate soldiers and sailors and their widows in the manner and to the extent now provided by law; and to provide for the calling by the governor of an election after three months after the final adjournment of this Legislature for the consideration of the said proposed amendment by the qualified electors of this State.

Committee on Constitution, Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution of the State of Alabama.

By Mr. Delony:

S. 30. To amend Section 3110 of the Code of Alabama of 1923.
Committee on Finance and Taxation.

By Mr. Darden:

S. 31. To amend Section 5076 of the 1923 Code of Alabama.
Committee on Judiciary.

RESOLUTIONS

Mr. McDowell offered the following Senate Resolution:

S. R. 11. BE IT RESOLVED BY THE SENATE OF ALABAMA, that the Doorkeeper of the Senate, be, and is hereby instructed to obtain from the Secretary of State of Alabama, for use on the desk of each Senator, a copy of the Code of 1923, a copy of the Acts of 1931, a copy of the Acts of 1927, and copies of the Journals of the Session of 1931.

And on motion of Mr. McDowell the rules were suspended and the Resolution adopted.

Mr. Hildreth offered the following joint resolution:

S. J. R. 12. Be it resolved by the Senate, the House of Representatives concurring, that the first essential duty of the Legislature in this Special Session is the speedy passage of efficient, thorough-going economy legislation reaching into every department and agency of our State government; and we hereby declare that, before passing any new or additional forms of taxation, we will first reduce the costs of our State government in every manner possible, eliminating all officers and employees not essential to efficient and necessary service, cutting the compensa-

tion of the remaining officers and employees as far as possible consistent with existing conditions and in view of the greatly increased purchasing power of the dollar, and reducing all appropriations so as to balance the budget and provide a sinking fund for the payment of the interest and principal of the actual present outstanding indebtedness of the State.

Which was read and referred to the Standing Committee on Rules.

COMMITTEE OF THE WHOLE

Mr. Powell moved that the Senate be resolved into a Committee of the Whole Senate, for the purpose of considering the question of the employment of clerks, the number thereof, and their compensation for this special session, which motion prevailed and the Senate was so resolved into a Committee of the whole Senate for such purpose.

On motion of Mr. McDowell, Lieutenant-Governor Merrill was named Chairman of the Committee of the Whole.

Thereupon the Committee of the Whole rose and reported.

ROLL CALL

Present:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

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RESOLUTIONS

The Rules Committee reported the following Senate resolution:

S. R. 13. Be it Resolved by the Senate, that the subordinate officers and employees of the Senate shall consist of a Secretary, an Assistant Secretary, a Second Assistant Secretary, a Reading Clerk, Chief Clerk to the Secretary, an Enrolling Clerk, an Engrossing Clerk, a Comparing Clerk, a Doorkeeper, an Assistant Doorkeeper, a Doorkeeper of the Senate Gallery, four pages, two messengers and two servants;

The Clerks shall be appointed to a total number not to exceed 56 as follows:

Each Committee of the Senate shall have one Clerk to be named by the Chairman of the Committee. Those Senators not serving as Chairman of a Committee shall, each, name a Clerk, making

the total named thirty-five. The Enrolling Clerk shall name four assistants.

In addition to the above there shall be a Secretary to the President of the Senate to be appointed by him and to work under his direction. The President of the Senate shall also have the authority to name additional pages or messengers to a number not to exceed four, who shall receive the same compensation as that hereinafter fixed for other pages and messengers.

Be it further Resolved, that the Secretary of the Senate shall receive Ten Dollars per day; the Assistant Secretary, and the Second Assistant Secretary shall, each, receive Nine Dollars per day; the Reading Clerk, and the Chief Clerk to the Secretary shall, each, receive Six Dollars per day; The Enrolling Clerk, Engrossing Clerk and the Comparing Clerk shall, each, receive Five Dollars per day; the Doorkeeper, Assistant Doorkeeper and Doorkeeper of the Senate Gallery shall, each, receive Three and 50/100 Dollars per day; all pages and messengers as elected or appointed shall, each, receive Two Dollars per day; the two servants shall, each, receive One and 50/100 Dollars per day; five typists and two register Clerks in the Secretary's office shall, each, receive Four Dollars per day; all other clerks herein authorized and not specifically named shall, each, receive Three Dollars per day.

Resolved further, that all of the Clerks and employees herein authorized shall be in attendance upon the Senate at any and all times when required, and shall work under the direct supervision of the Secretary of the Senate and the Presiding Officer of the Senate, the compensation herein provided being intended for actual services rendered in and upon the Senate as herein designated.

Resolved further that the provisions hereof as to all officers and employees on the Senate herein named and referred to shall take effect on and after the 16th day of August, 1932, and shall not extend beyond the Special Sessions of the Senate beginning on said date.

Resolved further, that the five typists, 2 Register Clerks and 9 additional clerks as specified above, to be appointed by the Secretary of the Senate, these being included in the fifty six specified above.

And on motion of Mr. Powell, the Resolution was adopted.

Yeas, 30; nays, 1.

Yeas:

Messrs.:

Bartlett	Darden
Beasley	Delony
Brown	Duncan
Caffey	Farmer
Cowart	Faulk
Craft	Fletcher

Garrett
Goodwin
Hildreth
Hooton
Hubbard
Jordan

Kelley
Lapsley
McDaniel
McDowell
Millsap
Mullins

Powell
ScruggsShepherd
Walker

Warren

Wikle

—30

Nay:—Mr. Bonner.

— 1

Mr. Hildreth offered the following joint resolution:

S. J. R. 14. Whereas, the condition of the State Treasury demands an immediate reduction in the expenses of the State; and,

Whereas, the greatly enhanced purchasing power of the dollar makes a reduction in salaries no more than a proper adjustment of the salaries to the price of commodities and the cost of living; and,

Whereas, the Legislature proposes to reduce to the extent of at least 25% all salaries in excess of One Thousand Dollars not protected by a constitutional inhibition against such action; and,

Whereas, it may be assumed that those officers of the State whose salaries the Legislature has not the power to reduce during the present term of office, will not wish, in this period of general distress, to take shelter behind the constitutional provisions referred to, but will desire to do the fine and patriotic thing and show themselves in sympathy with the distress of the people of the State:

Now, therefore, be it resolved by the Senate, the House of Representatives, concurring, as follows:

1st.—That all officers of the State receiving salaries of more than One Thousand Dollars annually, which salaries cannot under the constitution, be diminished during their present terms, are hereby requested to voluntarily reduce their own salaries to the extent of 25% by covering back into the State Treasury, as their salaries are paid, 25% thereof; said reductions to be effective as of September 1st, 1932.

2nd.—In order that the Legislature may know as early as possible and with reasonable accuracy, the budget which it must establish, all such officers are requested to file declarations in writing by September 1st, 1932, with both the State Auditor and the State Treasurer, setting forth their voluntary reductions in salaries as herein requested.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate:

By Mr. Culver:

H. J. R. 9. WHEREAS, the Hon. Franklin D. Roosevelt has recently become the nominee of the Democratic Party for the Presidency of the United States, and

WHEREAS, any subject upon which he saw fit to talk would be of paramount interest to the Legislature of the State of Alabama,

THEREFORE BE IT RESOLVED by the House of Representatives of the State of Alabama, the Senate concurring:

(1) That the Hon. Franklin D. Roosevelt be invited to address the Legislature of the State of Alabama assembled at the Capitol in Montgomery, Alabama, at such a time as may suit his convenience.

(2) That the Clerk be and is hereby directed to send copy of this Resolution to his Excellency, Hon. Franklin D. Roosevelt.
J. H. Stewart, Clerk.

HOUSE MESSAGE

H. J. R. No. 9. set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

COMMITTEE APPOINTMENTS

The President and Presiding Officer of the Senate announced the appointment of Mr. Mullins as an additional member of the following committees:

The Committee on Constitution and Constitutional Revision and Amendments.

The Committee on Judiciary.

And the President and Presiding Officer of the Senate further announced the appointment of Mr. Mullins as a member of those committees formerly held by Dr. Harlan, deceased, to-wit:

The Committee on Public Health (Chairman), Education, Agriculture, Public Buildings and Grounds, Temperance, Public Roads and Highways, Fish, Game and Forestry.

APPOINTMENT OF ADDITIONAL PAGES AND MESSENGERS

Pursuant to authority given in Senate Resolution No. 13, heretofore adopted, the President and Presiding Officer of the Senate announced the appointment of the following additional Pages and Messengers, to-wit:

W. W. Beasley, Jr., Archie Lee Faulk, James Bartlett and Willis Pearson.

RESOLUTION

Mr. McDaniel offered the following Senate Resolution:

S. R. 15. RESOLVED BY THE SENATE, That when it adjourns to-day, it re-convene at 2:30 P. M., on Wednesday, August 17th.

And on motion of Mr. McDaniel, the rules were suspended and the resolution adopted.

APPOINTMENT OF COMMITTEE

Pursuant to Senate Resolution No. 8, heretofore adopted, creating a Standing Committee on Aviation and Traffic Regulations, the President of the Senate appointed as members of said Committee Messrs.:

Millsap, Chairman, Fletcher, McDowell, Edmundson, McDaniel, Powell and Teasley.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the First legislative day, and finds same correct and containing all original entries and references thereto required by the Constitution.

Hubert Farmer, Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and on motion of Mr. Farmer, said report was concurred in and the Journal of the Senate for the First legislative day approved by the Senate.

ADJOURNMENT

At 5 P. M., on motion of Mr. McDowell and pursuant to Senate Resolution heretofore adopted, the Senate adjourned until tomorrow afternoon at 2:30.

SECOND DAY

Wednesday, August 17th, 1932.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

Prayer by Reverend B. R. Anderson, Pastor of the Oak Park Presbyterian Church, of Montgomery.

ROLL CALL

Present:

Messrs.:			
Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

JOURNAL

On motion of Mr. Beasley, the reading of the Journal of yesterday was dispensed with and the same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:
By Mr. Scruggs:

S. 32. To authorize and provide for the issuance and sale of State bonds for the purpose of paying the outstanding debts of the State of Alabama as of September 30, 1932, as authorized by the Constitutional Amendment known as Article XXIII of the Constitution of Alabama.

Committee on Finance and Taxation.

By Mr. Scruggs:

S. 33. To propose an amendment to the Constitution of Alabama to be known as "Article XXIII" authorizing the state to issue and sell negotiable interest bearing bonds in an amount not to exceed Twenty Million Dollars (\$20,000,000.00) in addition to all other bonds of the State; to provide that such bonds shall be free from taxes; to provide that such bonds shall be the general obligation of the State and to provide for a sinking fund to pay the interest and principal.

Committee on Constitution, Constitutional Revision and Amendment.

The above bill was read a first time at length as required by the Constitution of Alabama.

By Mr. Jordan:

S. 34. To make an appropriation of One Hundred Thousand (\$100,000.00) Dollars or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated to defray the expenses of the present extraordinary session of the Legislature.

Committee on Finance and Taxation.

By Mr. Bonner:

S. 35. To suspend until October 1, 1934, the payment of all appropriations for school buildings in Alabama.

Committee on Finance and Taxation.

By Mr. Kelley:

S. 36. To amend Section 7285, of Article 7, of Chapter 275, of the Code of Alabama of 1923.

Committee on Finance and Taxation.

By Mr. Powell:

S. 37. To propose an amendment to the Constitution of Alabama to be known as "Article XXII", authorizing the Legislature to levy an income tax for the calendar year, 1932, and for each year thereafter; to provide that income shall not be considered property for tax purposes, and to provide that the Legislature shall reduce the ad valorem tax when the revenue derived from an income tax will justify.

Committee on Constitution, Constitutional Revision and Amendment.

The above bill was read a first time at length as required by the Constitution of Alabama.

By Mr. Teasley:

S. 38. To protect the public from injury to person or property in the use of the public highways of this state; to provide for revocation or suspension of operators' or chauffeurs' license and motor vehicle licenses or registration certificates under certain facts and conditions; to require any person under certain facts and conditions to give proof of his ability to respond in damages for any liability thereafter incurred, resulting from the operation, maintenance, use or operation thereafter of a motor vehicle for personal injury to or death of any one person in the amount of at least \$5,000.00 and subject to the aforesaid limit for any one person injured or killed, of at least \$10,000.00 for personal injury to or the death of two or more persons in any one accident and for damages to property in the amount of \$1,000.00 resulting from any one accident; to provide for and regulate insurance policies, indemnity bonds and deposits of cash or collateral as proof of ability to respond in damages as aforesaid; to provide for the enforcement of this act and fix penalties for the violation thereof; to require the

several courts of this state to furnish certified copies or transcript of the conviction of all persons convicted for the violation of any of the provisions of this act; to provide for and authorize the commissioner to make rules and regulations necessary for the administration of this act.

Committee on Banking and Insurance.

By Mr. Lapsley:

S. 39. To establish an inferior court in Precinct 36 in Dallas County, Alabama, in lieu of all justices of the peace, and notaries public with powers of justices of the peace, in said precinct, to be known as "The Court of Common Pleas of Selma,"; and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of the judge thereof; to provide for the execution of the process of said court, the issuance of certificates of judgment and the operation thereof; to regulate the procedure in said court, and the appeals therefrom; to provide for the appointment or election of the judge of said court; to fix the qualifications and compensation of said judge and the mode of his election, and term of office; to provide for the payment of the salary of the Judge and the expenses of said court; to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct; to provide for the transfer to said court of all causes pending in the justice of the peace courts in said precinct; to provide that the judge of said court may practice law; to provide for the payment of salaries of the Sheriff and Deputy Solicitor of said County for services rendered said Court; and to fix the costs and fees, and provide for the disposition of costs, fees, fines and forfeitures in said court.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that at the next special session of the Legislature of Alabama, application will be made for the passage of a proposed law, in substance as follows:

A BILL

To be entitled An Act to establish an inferior court in Precinct 36 in Dallas County, Alabama, in lieu of all justices of the Peace, and notaries public with powers of justices of the peace, in said precinct, to be known as "The Court of Common Pleas of Selma,"; and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of the judge thereof; to provide for the execution of the process of said court, the issuance of certificates of judgment and the operation thereof; to regulate the procedure in said court, and the appeals therefrom; to provide for the appointment or election of the judge of said court; to fix the qualifications and compensation of said judge and the mode of his election, and term of office; to provide for the payment of the salary of the Judge and the expenses of said court; to abolish the office of justice of

peace and notary public with powers of justice of the peace in said precinct; to provide for the transfer to said court of all causes pending in the justice of the peace courts in said precinct; to provide that the judge of said court may practice law; to provide for the payment of salaries of the Sheriff and Deputy Solicitor of said County for services rendered said Court; and to fix the costs and fees, and provide for the disposition of costs, fees, fines and forfeitures in said court.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby established an inferior court in precinct number 36 in Dallas County, Alabama, which shall be known and designated as "The Court of Common Pleas of Selma," and which shall be in lieu of all justices of the peace and notaries public with power of justice of the peace. It shall have the jurisdiction now held by justices of the peace or that may hereafter be conferred by law on justices of the peace, or on said court, and the judge of said court shall have and exercise all the power and authority, and perform all the duties now or hereafter prescribed by law, for justices of the peace in said precinct. Said judge shall have the same right and privileges and be subject to the disabilities and penalties as may now or hereafter apply by law to justices of the peace.

Section 2. That there shall be a judge of said Court, which judge shall at the time of his election or appointment be a resident of Dallas County, Alabama, be at least twenty-one years of age, and shall have been admitted to the practice of law in the State of Alabama.

That immediately upon the passage and approval of this Act, or when it becomes a law, the Senate of Alabama, shall elect a Judge of said Court whose term of office shall be until the first Monday after the second Tuesday in January, 1935, next after his election, and until his successor is elected and qualified; after the election of the first Judge as herein provided, the Governor shall issue to said Judge a commission. The term of the Judge thereafter elected shall be for four years, or until his successor is elected and qualified.

Section 3. That at the regular election for State and County Officers in the year 1934, and each four years thereafter, there shall be elected a judge of said court by the qualified electors of said precinct 36. All vacancies in the office of said judge of said court shall be filled by appointment by the Governor, and such appointee so appointed shall hold office for the unexpired term and until his successor is elected and qualified.

Section 4. That such office shall be considered a county office within the meaning of election and other laws of Alabama.

Section 5. That the judge of said Court shall receive a salary of eighteen hundred dollars per annum, payable monthly out of the general fund of Dallas County, by warrants drawn upon the County depository by the Probate Judge of Dallas County, Alabama: all expenses of said Court shall be payable out of the general fund of Dallas County upon warrants drawn by the Probate Judge upon the County Depository.

Section 6. That the judge of said Court shall give bond in the penal sum of Two thousand dollars payable to the County of Dallas, and conditioned to faithfully discharge the duties of his office, which said bond shall be approved by and filed in the office of the Probate Judge of said county, and also conditioned to pay over all money to the proper officer or persons to whom it is payable, and to faithfully account for all money coming into his hands by virtue of his office.

Section 7. The sheriff, coroner or special coroner, and deputy solicitor of said county shall perform the same duties in relation to the said Court of Common Pleas, as now devolve on them by law in relation to the Circuit Court of Dallas County, Alabama.

Section 8. It shall be the duty of the judge of said Court to keep a docket of all the cases brought before this court such as is now required by law to be kept by all justices of the peace. The judge shall have authority to issue

all necessary summons upon complaint being filed in said court, and all other process which justices of the peace are required or empowered by law to issue. He shall have authority to swear witnesses at the trial of all cases in said court. It shall be the duty of said judge to tax and collect in each case the same costs and fees for the services of judge, sheriff and witnesses as are provided under the laws of Alabama for justices of the peace and sheriffs, and witnesses in such courts. The sheriff's fees collected by said court shall be paid to the sheriff on the first Monday of each month. Any money paid to said judge on judgments rendered in said court shall be paid to the plaintiff or his attorney on demand. All the costs and fees allowed the judge of said court and all the witness fees and all fines and forfeitures assessed in said court, shall be paid to the said judge, and all the fees allowed the judge and all fines and forfeitures collected by said judge shall be paid by said judge on the first Monday of each month into the County Treasury to the credit of the general fund of said County, provided that the witness fees assessed and collected by the judge shall be retained by him and paid over to the witness entitled to the same. Any witness fees in the hands of said judge uncalled for within one month after receipt by him, shall be paid by him into the general fund of said County.

Section 9. The witnesses in all cases in said court shall be entitled to the same fees, to be collected in the same manner by the judge of said court, and paid over by him to the witnesses entitled to the same as provided in like cases before Justices of the Peace, by the laws of the State of Alabama.

Section 10. The fees allowed constables or the sheriff in said precinct for services in justice of the peace courts shall be taxed and collected as now provided by law in each case, and paid over by said judge to the sheriff of Dallas County, Alabama, as hereinbefore provided.

Section 11. That the Sheriff of Dallas County shall be required to attend the Court hereby established, and for services rendered said court, as required by law, shall be paid the sum of \$50.00 per month to be paid out of the General Fund of Dallas County by warrant drawn by the Probate Judge of said County upon the County Treasury; and that the Deputy Solicitor of said County is hereby required to represent the State in all criminal causes in said court, and for his services therein shall receive a salary of \$50.00 per month payable out of the General Fund of said County by warrant drawn by the Probate Judge on said County Treasury.

Section 12. All processes of whatever kind or nature issued out of said Court shall be addressed to any lawful officer of Dallas County, Alabama, and shall be executed by the Sheriff of Dallas County, Alabama, or one of his deputies.

Section 13. From any judgment of said court the defendants in criminal cases or the plaintiffs or defendants in civil cases shall have the right of appeal to the Circuit Court of Dallas County under the same regulations and requirements as now govern appeals from the courts of justices of the peace in the State of Alabama, and the bond furnished or required in such cases shall be governed by the same laws as now regulate appeals from the courts of justice of the peace in the State of Alabama.

Section 14. The forms to be used in said court shall be the same as prescribed by the Code of Alabama of 1923 for Justices of the Peace, but they shall not be the exclusive forms used, and any forms now or hereafter provided in said code or by law for similar or analogous proceedings may be used in said court. All dockets, printed forms, and other stationery required by the said court shall be furnished and paid for by the County of Dallas out of the general fund of said County on warrant drawn by the Probate Judge of Dallas County, Alabama.

Section 15. The judge of said court shall be permitted to practice law in all courts provided, however, that said judge shall not practice in the said Court of Common Pleas of Selma, and shall not practice in any case originating in or passing thru the said Court of Common Pleas of Selma.

Section 16. All laws affecting or regulating the practice in courts of justice of the peace of Dallas County shall be applicable to the court hereby established, and all certificates of judgment of said court may be recorded as now provided for certificates of judgment of Justices of Peace. Said judgments shall be a lien when recorded as now or hereafter provided for Justice of the Peace judgments in Dallas County, Alabama.

Section 17. It shall be the duty of the Court of County Commissioners of Dallas County to provide a proper place for holding said court and to provide for the comforts and necessary accommodations therefor and to provide said court with all necessary blanks, stationery, dockets and books which shall be paid for out of the general fund of Dallas County on warrant drawn by the Probate Judge of Dallas County, Alabama.

Section 18. That upon the passage and the approval of this act the terms of office of all justices of the peace in said precinct 36 shall expire and said office of justice of the peace in said precinct shall be abolished, and the dockets, official papers and records of all kind of their respective office shall be delivered to the judge of the Court of Common Pleas of Selma by said justices, and all causes pending in said Justice Courts shall be by such delivery transferred to the said Court of Common Pleas, and executions and other process for the collection of judgments of said Justice Courts may be issued from said Court of Common Pleas including executions for costs, and upon the collection of costs in any case accrued before said transfer the judge of said Court of Common Pleas shall pay said costs to the justice of the peace or constable entitled thereto and shall take a receipt therefor, which shall be entered on the docket of said cause.

Section 19. That the terms of office of all justices of the peace and notaries public with powers of Justices of Peace within the said above described territory shall expire, and said office of justice of the peace is hereby abolished in the said precinct, and there shall hereafter be no justices of the peace elected or appointed for the said precinct, and no notaries public with powers of justice of the peace in said precinct, and the said Court of Common Pleas created by this act shall be in lieu of all justices of the peace or notaries public with powers of justice of the peace in said precinct.

Section 20. In the event that the Judge of said court is for any reason disqualified from acting, or in the event of the illness or absence from the city of said Judge, the Judge of Probate of Dallas County, Alabama, shall appoint an acting judge to try such cases as the judge of said court may be disqualified to try, or to act in the absence of the judge of said court, and in the event of the absence from the city of said Probate Judge the Judge of the Circuit Court of Dallas County, Alabama, shall appoint said acting judge.

Section 21. If any section or provision of this act shall be declared to be void or unconstitutional, it shall not affect or destroy the validity or constitutionality of any other section or provision herein, which is not in and of itself void or unconstitutional.

Section 22. All laws and parts of laws general, local, or special contrary to the provisions of this Act are hereby repealed.

Section 23. The public welfare requiring it, this act shall go into effect immediately upon its passage and approval by the Governor.
8-15-22-29.

THE STATE OF ALABAMA }
THE COUNTY OF DALLAS }

Before me, Ida O'R. Moore, a Notary Public in and for said County, in said State, personally appeared F. T. Raiford, who being by me first duly sworn deposes and says: That he is Editor of the Selma Times-Journal, a newspaper published in Selma, Dallas County, Alabama, and that the attached notice was published without cost to the State in said Selma Times-Journal

once a week for four consecutive weeks, the same having been published in the issues of said newspaper on the following dates, namely:

July 8, 15, 22, 29, 1932.

F. T. RAIFORD,
Editor.

Sworn to and subscribed before me, this, the 11th day of August, 1932.

IDA O'R. MOORE,
Notary Public, Dallas County, Ala.

By Mr. Lapsley:

S. 40. To amend Section 217 of the Alabama School Code of 1927.

Committee on Education.

By Mr. Goodwin:

S. 41. To authorize the City of Florala, Alabama, to use certain school bond funds on deposit in the defunct First National Bank of Florala, Alabama, as or in the Nature of a Set-Off or Counter-claim against an Indebtedness owed by said City to said Bank.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that the following bill will be introduced at the next extraordinary session of the Legislature of Alabama:

A BILL

To Be Entitled AN ACT to Authorize the City of Florala to Use Certain School Bond Funds on Deposit in the Defunct First National Bank of Florala As or in the Nature of a Set-Off or Counterclaim Against an indebtedness Owed by Said City to Said Bank.

WHEREAS, The City of Florala sold certain municipal school improvement bonds and deposited part of the funds derived from such sale in the First National Bank of Florala, prior to the failure and closing of said Bank, in an account known as the "Florala School Bond Account;" and,

WHEREAS, The said First National Bank of Florala, subsequently to the depositing of said funds therein, failed, and is now in the hands of a Receiver; and,

WHEREAS, Said City of Florala is indebted to the said First National Bank of Florala or the Receiver thereof, in an amount greatly in excess of the total sum contained in the said "Florala School Bond Account;" and,

WHEREAS, Said City will receive from said "Florala School Bond Account" only such dividends as may be paid to the depositors of said Bank by the Receiver thereof, while the full amount of the said "Florala School Bond Account" would be realized were said City allowed to apply the said "Account" as or in the nature of a set-off or counterclaim towards the payment of such indebtedness as it might owe to the said Bank or the Receiver thereof; therefore,

Be It Enacted by the Legislature of Alabama:

That the City of Florala may, by appropriate resolution of its City Council, apply the said "Florala School Bond Account" as or in the nature of a set-off or counterclaim towards the payment of any indebtedness owed by said City to the said First National Bank of Florala or the Receiver thereof, and that such use or the authorization of such use of the funds in the said "Florala School Bond Account" shall not be an offense against the State of Alabama.

STATE OF ALABAMA, }
COVINGTON COUNTY. }

Before me, the undersigned authority, in and for said County and State, personally appeared A. H. Heath, who first being duly sworn, deposes and says, that he is the Publisher of the *Floral News*, a weekly newspaper published in said County and State; that the notice hereto attached was published in said newspaper for a period of four successive weeks on the following dates, to-wit: Sept. 10-17-24 and Oct. 1, 1931.

A. H. HEATH.

Subscribed and sworn to before me this 12th day of August, 1932.

G. G. HART,

Notary Public.

(Seal)

By Mr. Faulk:

S. 42. To repeal Article Forty-two, Industrial Section, Alabama Industrial Development Board—Sections 600-609, of the Code of laws pertaining to Agriculture and Industries and known as the Agricultural Code of Alabama, adopted by an Act of the Legislature, entitled "An Act to adopt the Code of laws for the State of Alabama prepared in accordance with the provisions of the Acts approved February 18th, 1927, (H. 273—Goode.) and which pertains to Agriculture and Industries and relating subjects which are administered by, concern or relate to the duties of the Commissioner of Agriculture, and to provide for the indexing, publication, sale and distribution of said Code, which is to be known as the Agricultural Code of Alabama," approved August 24, 1927.

Committee on Agriculture.

REPORTS OF COMMITTEES

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Jordan (with notice and proof):

S. 17. To provide that in Etowah County, agreements may be entered into for the lease, rental or hire of personal property not to exceed Two Hundred (\$200.00) Dollars in value, said agreements to be valid against purchasers for a valuable consideration, mortgages, landlords lien and judgement creditors without being recorded in the office of the judge of probate; to provide for the repossession of such personal property by the Leassor; to prescribe penalties for the unlawful disposition of such personal property by the Lessee, and to repeal all laws in conflict.

By Mr. Cowart (with notice and proof):

S. 9. To withdraw and take away from the Court of County Commissioners of Winston County, Alabama, all jurisdiction over public roads and bridges and public road and bridge funds in said county; to create and establish a Highway Commission for said

county to be composed of the Probate Judge of said county and two other members to be appointed; and to invest said Highway Commission with jurisdiction, authority over public roads and bridges and over public road and bridge funds in and for said county; to provide for the terms of office and compensation of said members; and to define the powers, jurisdiction, duties, authority, and responsibilities of said commission; and to repeal all laws, local and general, in conflict herewith in so far as the same apply to Winston County, Alabama.

By Mr. Jordan (with notice and proof):

S. 14. To require the Court of County Commissioners, or like governing body of St. Clair County, to appropriate annually out of the general fund of the County a sum not less than three thousand (\$3,000.00) dollars; such sum to be preferred claim and payable to the budget of the St. Clair County Health Department for the establishment, maintenance and operation of a health department in the county.

By Mr. Jordan (with notice and proof):

S. 15. For the relief of T. F. Griffin, Sheriff, of Etowah County, Alabama.

By Mr. Jordan (with notice and proof):

S. 16. To allow the Sheriff of Etowah County an additional deputy sheriff to that as now allowed by law, to fix his salary and make it payable out of the general funds of the county in monthly installments.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following Joint Resolution and sends same herewith to the Senate:

By Mr. Sparks:

H. J. R. 19. Resolved by the House, the Senate concurring, That when the two Houses adjourn today, they adjourn to meet Friday, August 19, 1932 at 10 o'clock A. M.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Scruggs, the rules were suspended and H. J. R. 19, set out in the foregoing Message from the House, concurred in and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate:

By Messrs. Molette, Givhan and Burns:

H. J. R. 17. Whereas the members of the Legislature have been extended an invitation to attend a Democratic rally and barbecue at Selma on Thursday, August 25, 1932 at 1:00 o'clock P. M.

Therefore, Be it resolved by the House of Representatives, the Senate concurring, that said invitation be accepted, and that no legislative session be held on said date and that committees be requested to so arrange the time of their meetings to permit members to attend said rally and barbecue.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Lapsley, the rules were suspended and H. J. R. 17, set out in the foregoing Message from the House, concurred in and adopted.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the second legislative day, and finds same correct and containing all original entries and references thereto required by the Constitution.

Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and on motion of Mr. Farmer, said report was concurred in and the Journal of the Senate for the second legislative day approved by the Senate.

ADJOURNMENT

At three P. M., on motion of Mr. Beasley, and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Friday, August 19, 1932, at ten A. M.

THIRD DAY

Friday, August 19th, 1932.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Rev. H. G. Ernest, doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bartlett	Delony	Hildreth	Powell
Beasley	Duncan	Hooton	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden			

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JOURNAL

On motion of Mr. Wikle, the reading of the Journal of yesterday was dispensed with, and the same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Powell, leave of absence was granted Mr. McDowell for today.

REPORT FROM RULES COMMITTEE

Mr. Powell, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Resolution and ordered same returned to the Senate with a favorable report with amendment to-wit:

S. J. R. 12. Be it resolved by the Senate, the House of Representatives, concurring, that the first essential duty of the Legislature in this Special Session is the speedy passage of efficient, thorough-going economy legislation reaching into every department and agency of our State government; and we hereby declare that, before passing any new or additional forms of taxation, we will first reduce the costs of our State government in every manner possible, eliminating all officers and employees not essential to efficient and necessary service, cutting the compensation of the remaining officers and employees as far as possible consistent with existing conditions and in view of the greatly increased purchasing

power of the dollar, and reducing all appropriations so as to balance the budget and provide a sinking fund for the payment of the interest and principal of the actual present outstanding indebtedness of the State.

Said amendment being as follows:

Amend Senate Joint Resolution No. 12, by striking out all of the words following the word "budget" in the 3rd line from the bottom of said Resolution.

And the amendment was adopted.

And said Resolution, as thus amended, was adopted.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Kelley:

S. 43. To amend Section 6734 of the Alabama Code of 1923.
Committee on Judiciary.

By Mr. Kelley:

S. 44. To repeal Sections 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, and 919 of Chapter 25, Article 9 of the Code of Alabama of 1923, relating to the Budget Commission.

Committee on Finance and Taxation.

By Mr. Kelley:

S. 45. To amend Sections 1, 2, 3, 5, 6½, 7, 8, 9, 11 and 12 of Article 1 and Paragraph (v) of Section 47 of Article 2, and to repeal Sections 4 and 10 of Article 1 of an act entitled "An act to provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities boards of revenue, courts of county commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for

working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue," approved August 23, 1927, and known and designated as "The Alabama Highway Code."

Committee on Public Roads and Highways.

By Mr. Walker:

S. 46. To amend Section 50 of an act of the Legislature of Alabama, approved September 10, 1927, and entitled "An act to provide a code of laws defining the powers of municipal corporations in this state with respect to the construction and maintenance of public improvements and betterments and the assessment of the whole or any part of the cost thereof against the abutting property, or property specially benefitted or increased in value by reason of such improvements; and amending Sections 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, of the Code of Alabama of 1923; and repealing Sections 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, of said Code; and to repeal all laws in conflict with the same."

Committee on Municipalities and Municipal Organizations.

By Mr. Walker:

S. 47. To amend Section 2107 of the Code of Alabama, 1923.
Committee on Finance and Taxation.

By Mr. Walker:

S. 48. To repeal Chapter 277 (Sections 7308 to 7337, both inclusive) of the Code of Alabama of 1923, and to provide for the transfer of all cases now pending in the Court of Appeals to the Supreme Court of Alabama, and to provide for the transfer of all books, records, documents, and supplies of the Court of Appeals to the Supreme Court, and to provide when this Act shall go into effect.

Committee on Judiciary.

By Mr. Teasley:

S. 49. To appropriate the sum of \$300.00 out of the General Fund of the State to reimburse A. P. Smith for money collected from him through mistake or error.

Committee on Finance and Taxation.

By Mr. Teasley:

S. 50. To provide for a more efficient system of administration of the state government by perfecting a co-ordination between the several executive departments; and for that purpose and to that

end there is hereby created and established a state executive commission to be composed of five members, together with the governor who shall be ex-officio chairman of said commission, and a secretary of said commission; to provide for the appointment of members of said commission, and secretary of said commission, and filling vacancies on same; to fix the term of office, salaries and define the duties of said commission, and secretary of said commission; to prescribe rules and regulations governing said commission; to vest in said commission all of the power and authority now vested by law in the State Highway Commission, the State Tax Commission, the State Board of Administration and State Budget Commission; to provide for officers of the Alabama State Bridge Commission; to abolish the State Highway Commission, the State Tax Commission, the State Board of Administration and State Budget Commission.

Committee on Finance and Taxation.

By Mr. Teasley:

S. 51. To promote, foster, aid and expand the public school system of the State of Alabama; and to this end and for this purpose provide for and authorize an incorporation by the Superintendent of Education of Alabama, the Commissioner of Agriculture and Industries of Alabama, and the Attorney General of Alabama, to be known as the "Alabama Educational Finance Corporation", to aid in financing the construction of school houses and colleges in the State of Alabama, and payment of salaries of teachers and other expenses necessary and incident to the maintenance and expansion of the public school system of the State; to purchase and sell State school warrants and school warrants of the several counties and municipalities of the State; to provide for the raising of necessary funds for such purposes; to provide for the payment of said notes, debentures, bonds or other evidences of indebtedness, and interest thereon, out of any of the funds in the State Treasury heretofore or hereafter appropriated for the maintenance, betterment and expansion of the public school system of the State or out of any special school taxes collected for school districts, counties or municipal corporations of the State; to make appropriation out of the general fund of the State to aid in the purposes of this act.

Committee on Finance and Taxation.

By Mr. Teasley:

S. 52. To create the Department of Comptroller of Accounts, to prescribe its powers, duties and functions, provide for the appointment of a comptroller and examiners; to regulate the duties and compensation of such officers and provide clerical help for said department; to make an appropriation to defray expenses of said department; to repeal Chapter 24 of the Code of Alabama of 1923, as amended.

Committee on Finance and Taxation.

By Mr. Darden:

S. 53. To amend Section 9606 of the 1923 Code of Alabama.
Committee on Judiciary.

By Mr. Darden:

S. 54. To amend Section 1914 of the nineteen hundred and twenty-three Code of Alabama.

Committee on Judiciary.

By Mr. Darden:

S. 55. To amend Section 9612 of the 1923 Code of Alabama.
Committee on Judiciary.

By Mr. Darden:

S. 56. To require the State Tax Commission of Alabama to assess ad valorem taxes on all used and useful property of all Utilities of this State on not less than a sixty per cent (60%) valuation of the rate-making valuation allowed such utility by the Public Service Commission of Alabama.

Committee on Finance and Taxation.

By Mr. Darden:

S. 57. To amend Section 9609 of the 1923 Code of Alabama.
Committee on Judiciary.

By Mr. Darden:

S. 58. To require the Public Service Commission of Alabama, or any other person or agency, discharging the duties now required of the Public Service Commission, not to allow, order or permit any rate-making valuation of any person, firm, association or corporation engaged in any utility business in this State, for rate-making purposes, to be in excess of one hundred per cent (100%) of the valuation placed by the State Tax Commission of this state on the used and useful property of such person, firm, association or corporation engaged in a utility business in this state, for advalorem taxation assessments.

Committee on Judiciary.

By Mr. Shepherd:

S. 59. To amend Section 8663 of the 1923 Code of Alabama.
Committee on Judiciary.

By Mr. Faulk:

S. 60. To prohibit County Boards of Education, City Boards of Education, district trustees, teachers or any other person or persons from charging or collecting any money from the pupils in the elementary grades of this State, which are commonly known as incidental fees or tuition.

Committee on Education.

REPORTS OF COMMITTEES

Mr. Hildreth, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said Committee, in Session, had acted on the following bills

and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Powell:

S. 37. To propose an amendment to the Constitution of Alabama to be known as "Article XXII", authorizing the Legislature to levy an income tax for the calendar year, 1932, and for each year thereafter; to provide that income shall not be considered property for tax purposes, and to provide that the Legislature shall reduce the ad valorem tax when the revenue derived from an income tax will justify.

The above bill was read a second time at length as required by the Constitution.

By Mr. Scruggs:

S. 33. To propose an amendment to the Constitution of Alabama to be known as "Article XXIII" authorizing the State to issue and sell negotiable interest bearing bonds in an amount not to exceed Twenty Million Dollars (\$20,000,000.00) in addition to all other bonds of the State; to provide that such bonds shall be free from taxes; to provide that such bonds shall be the general obligation of the State and to provide for a sinking fund to pay the interest and principal.

The above bill was read a second time at length as required by the Constitution.

By Mr. Warren:

S. 8. To submit to the qualified voters of the State of Alabama, at the general election to be held in November, 1932, for their consideration, an amendment to the Constitution of the State of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, to fix, regulate and alter the costs, charges of courts, fees, commissions, allowances to be charged or received by any county office of Tuscaloosa County, Alabama, including the Sheriff, Judge of Probate, Tax Assessor, Tax Collector, Clerk of the Circuit Court and Register of the Chancery Court, and including the method or basis of their compensation, or to consolidate any of said offices into one.

The above bill was read a second time at length as required by the Constitution.

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Walker (With Substitute):

S. 1. To amend Sections 1 & 2 of an act entitled "An Act to provide for the expenses incurred by members of the Legislature

of Alabama while in attendance upon sessions of the Legislature.
By Mr. Walker (With Amendment):

S. 2. To amend Section 3110 of the Code of Alabama 1923.

By Mr. Walker:

S. 3. To amend Section 3111 of the Code of Alabama 1923.

By Mr. Walker:

S. 4. To repeal Section 3122 of the Code of Alabama 1923.

By Mr. Walker:

S. 6. To Amend Section 260 of an Act approved September 15, 1919, entitled, "An Act, to provide for the general revenue of the State of Alabama."

By Mr. McDaniel:

S. 22. For the relief of the National Life and Accident Insurance Company, Inc., a corporation, and for the appropriation to it of Five Thousand Seven Hundred Sixteen Dollars and Twenty Two cents (\$5,716.22), excess taxes collected from it by the Insurance Department.

By Mr. Powell:

S. 23. To repeal an Act approved February 20th, 1931, entitled, "And Act to authorize the Senate and House of Representatives of the Legislature of Alabama to fix, by resolution, the per diem of the subordinate officers and employees of the respective Houses, and to fix the expense allowance to the President Pro-Ten of the Senate.

By Mr. Scruggs:

S. 32. To authorize and provide for the issuance and sale of State bonds for the purpose of paying the outstanding debts of the State of Alabama as of September 30, 1932, as authorized by the Constitutional Amendment known as Article XXIII of the Constitution of Alabama.

By Mr. Jordan:

S. 34. To make an appropriation of One Hundred Thousand (\$100,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present extraordinary session of the Legislature.

Mr. Warren, Chairman of the Standing Committee on Penitentiary, Prison and Prison Punishment, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Scruggs (with substitute):

S. 10. To abolish the office known as State Prison Inspector, and to require the State Health Officer to take over, assume and perform all of the duties of the State Prison Inspector and his assistants, clerks and/or stenographers, and to provide that all the duties now required by law to be done or performed by the State

Prison Inspector, and all of the powers now given to the State Prison Inspector by law be and the same are hereby transferred to and made a part of the duties, powers and obligations of the State Health Officer of the State of Alabama; to provide that all prisons, penitentiaries, city prisons, city jails, county jails, alms houses, asylums, penal institutions, or institutions of like kind or character shall be inspected in the same manner as now provided by law; that such inspections shall be made by the county or city health officer or person in charge of the county health unit of the county or city in which such institution is located under the direction, rules and regulations of the State Health Officer of the State of Alabama not in conflict with existing laws in Chapter 168 of the Code of Alabama of 1923, and to provide that such inspection and the enforcement of such rules and regulations shall be done and carried on and performed by the State Health Officer by and with the aid of the county or city health officer or person in charge of the county health unit of the respective cities and counties of the State without any further, other or additional charges or appropriations for that purpose, and repealing all appropriations heretofore made for salaries, expenses or expenditures for the State Prison Inspector's office; and to provide that this Act take effect immediately upon its approval.

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Lapsley (with notice and proof):

S. 39. To establish an inferior court in Precinct 36 in Dallas County, Alabama, in lieu of all justices of the peace, and notaries public with powers of justices of the peace, in said precinct, to be known as "The Court of Common Pleas of Selma,"; and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of the judge thereof; to provide for the execution of the process of said court, the issuance of certificates of judgment and the operation thereof; to regulate the procedure in said court, and the appeals therefrom; to provide for the appointment or election of the judge of said court; to fix the qualifications and compensation of said judge and the mode of his election, and term of office; to provide for the payment of the salary of the Judge and the expenses of said court; to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct; to provide for the transfer to said court of all causes pending in the justice of the peace courts in said precinct; to provide that the judge of said court may practice law; to provide for the payment of salaries of the Sheriff and Deputy Solicitor of said County for services rendered said Court; and to fix

the costs and fees, and provide for the disposition of costs, fees, fines and forfeitures in said court.

Mr. Walker, Chairman of the Standing Committee on Agriculture, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Faulk:

S. 42. To repeal Article Forty-Two, Industrial Section, Alabama Industrial Development Board—Sections 600-609, of the Code of laws pertaining to Agriculture and Industries and known as the Agricultural Code of Alabama, adopted by an Act of the Legislature, entitled "An Act to adopt the Code of laws for the State of Alabama prepared in accordance with the provisions of the Acts approved February 18th, 1927, (H. 273—Goode.) and which pertains to Agriculture and Industries and relating subjects which are administered by, concern or relate to the duties of the Commissioner of Agriculture, and to provide for the indexing, publication, sale and distribution of said Code, which is to be known as the Agricultural Code of Alabama," approved August 24, 1927.

Mr. Beasley, Chairman of the Standing Committee on Fish, Game and Forestry, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Beasley:

S. 21. To provide for a consolidation of certain revenues collected by the State Department of Game and Fisheries into one fund to be known as the Game and Fish Fund, and provide for the use of said fund. To provide for the paying of certain revenues to counties and to provide penalties for violation of the Act.

ADVERSE REPORT

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was placed on the adverse calendar, to-wit:

By Mr. Delony:

S. 30. To amend Section 3110 of the Code of Alabama of 1923.

RESOLUTIONS

Mr. Teasley offered the following Senate Resolution:

S. R. 16. Whereas, there is now pending in the Senate, Senate Bill No. 51 which is of great importance to the Public School System of Alabama, and the constitutionality of the bill should be beyond question.

Therefore, be it resolved by the Senate, That the Justices of the Supreme Court of Alabama, or a majority thereof, are hereby requested to render to this body their written opinion as to the constitutionality of said bill, as provided under Section 10290 of the Code of Alabama.

Which was adopted.

Mr. Teasley offered the following Joint Resolution:

S. J. R. 17. WHEREAS, a great need has arisen for a more extended credit which will enable the farmer to escape the one-crop system and diversify farming operations by employing more livestock on the farm, thus utilizing the forage and feed crops grown at home; and

WHEREAS, under present conditions the commercial banks, as a rule, are without sufficient resources, or at least cannot safely and prudently extend credits on such terms as to enable the farmer to prudently and conservatively increase his livestock operations; and,

WHEREAS, under sub-division E of Section 201 of the Emergency Relief and Reconstruction Act of 1932 provision has been made for the creation of a Regional Credit Corporation to be located in each of the Federal Land Bank Districts so as to provide credits to meet the present emergency that confronts the farmer and therefore affects all lines of business; and,

WHEREAS, the agricultural, banking, and industrial interests of every section of Alabama, including the State Board of Agriculture, Alabama Bankers Association, the Alabama Industrial Development Board, as well as many other agricultural, financial, and industrial agencies, including the Chambers of Commerce of the several Alabama cities, have unanimously agreed upon a definite program and have jointly petitioned the Reconstruction Finance Corporation to locate at Montgomery, Alabama, a regional credit corporation with a paid-up capital stock of not less than five million dollars, which corporation is to serve the Fifth Federal District composed of the states of Alabama, Louisiana, and Mississippi; and,

WHEREAS, we believe the best interests of all of our people and the people of the other two states within this District will best be served by the creation of this credit corporation at Montgomery, Alabama;

NOW THEREFORE,

Be it resolved by the Senate, the House concurring, that the Legislature of Alabama concurs in the expressions of our agricultural, financial, and industrial agencies as set out in the petition or brief filed with the Reconstruction Finance Corporation, as of August 10th, 1932, asking for the location of the Regional Credit Corporation at Montgomery, Alabama;

And we respectfully urge the Reconstruction Finance Corporation to establish such regional credit corporation at Montgomery, Alabama, at the earliest possible date, so as to enable the farmer to make preparation for the coming Fall and Winter;

RESOLVED FURTHER that the Secretary of the Senate be directed to immediately forward to the Chairman of the Reconstruction Finance Corporation at Washington, D. C., a copy of these resolutions.

Which was adopted.

Mr. Jordan offered the following Joint Resolution:

S. J. R. 18. RESOLVED by the Senate, the House concurring, that the Secretary of the Senate and the Clerk of the House are hereby directed to submit to all of the several departments, bureaus, commissions, institutions, boards and other State agencies of the State a request that they immediately file with the Examiner of Public Accounts upon forms prescribed by the Examiner of Accounts, a statement showing:

1. Amount of outstanding unpaid warrants held by such department, bureau, commission, institution, board or other State agency.

2. Amounts obligated or pledged against contingent appropriations but for which warrants have not been issued and paid.

3. Estimates of the necessary appropriations for the years ending September 30, 1933, 1934, 1935.

THAT upon the receipt of this information the same is to be compiled by the Examiner of Public Accounts and the Secretary of the Senate and the Clerk of the House are to furnish each member with a copy thereof.

And on motion of Mr. Jordan, the rules were suspended and the Resolution adopted.

Mr. Scruggs offered the following Senate Resolution:

S. R. 19. Be it resolved by the Senate that Senate Bills Numbers 32 and 33 be ordered printed and that 500 copies of each bill be printed.

And on motion of Mr. Scruggs, the rules were suspended and the Resolution adopted.

Mr. Scruggs also offered the following Joint Resolution:

S. J. R. 20. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING:

That a committee of five, two from the Senate and three from the House of Representatives, be appointed to study the subject of salaries of officials and of compensation of employees in all departments of the State and to recommend such equalization and reduction as they think proper; the presiding officers of each House to appoint the members of said committee from the respective Houses.

Which was read and referred to the Standing Committee on Rules.

Mr. Warren offered the following Senate Resolution:

S. R. 21. WHEREAS, the Senate of Alabama has learned of the death of that eminent statesman, Walter D. Seed, and,

WHEREAS, in his death the State has lost one of its most patriotic citizens, and Tuscaloosa County and the city of Tuscaloosa one of its most prominent and most valuable residents, and,

WHEREAS, a part of his patriotic services rendered to the State of Alabama was rendered as Lieutenant Governor during the years 1911 to 1915, when he as such officer presided with fairness and justice over this Senate;

THEREFORE, Be It Resolved, that the Senate of Alabama expresses its most profound regret at the loss of so good a man as Walter D. Seed, and that the Senate extend its sympathy to his bereaved family and relatives.

RESOLVED further, that a copy of this Resolution be sent to Mrs. Walter D. Seed by the Secretary of the Senate.

And on motion of Mr. Warren, the rules were suspended and the Resolution adopted.

Mr. Hildreth offered the following Senate Resolution:

S. R. 22. Be it resolved by the Senate that five hundred copies of the State payroll for July, 1932, be printed, and copies thereof furnished to each member of the Legislature.

And on motion of Mr. Hildreth, the rules were suspended, the resolution adopted and the Secretary authorized to have the 500 copies of the State payroll for July 1932 printed for use in the Senate.

Mr. Hildreth offered the following Joint Resolution:

S. J. R. 23. BE IT RESOLVED by the Senate, the House concurring, that when the two houses adjourn today, they adjourn to meet again at 2:30 P. M. on Tuesday, the 23rd day of August, 1932.

And on motion of Mr. Hildreth, the rules were suspended and the Resolution adopted.

The Rules Committee offered the following Joint Resolution:

S. J. R. 24. Resolved by the Senate, the House concurring, that the Joint Rules of the House and Senate as adopted and used in the Regular Session of 1931, be and they are hereby adopted as the Joint Rules for this Special Session.

Which was adopted.

Mr. Craft offered the following Joint Resolution:

S. J. R. 25. Resolved: That 500 copies of the State's payroll in 1918 be printed for the information of the Legislature in reducing present salaries.

And on motion of Mr. Craft, the rules were suspended, and the Resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amend has adopted:

S. J. R. 23. Relative to adjournment of the two Houses until 2:30 P. M., Tuesday, August 23, 1932.

And returns same herewith to the Senate.

J. H. Stewart, Clerk.

HOUSE MESSAGE

On motion of Mr. Powell, the Senate concurred in the following amendment by the House to S. J. R. No. 23, to-wit:

Amend Senate Joint Resolution No. 23 by striking out the words and figures "2:30 P. M." and inserting in lieu thereof the words and figures "11:00 A. M."

BILLS ON THIRD READING

The bill:

S. 17. To provide that in Etowah County, agreements may be entered into for the lease, rental or hire of personal property not to exceed Two Hundred (\$200.00) Dollars in value, said agreements to be valid against purchasers for a valuable consideration, mortgagees, landlord's lien and judgment creditors without being recorded in the office of the judge of probate; to provide for the repossession of such personal property by the lessor; to prescribe penalties for the unlawful disposition of such personal property by the lessee, and to repeal all laws in conflict.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Powell
Beasley	Duncan	Hooton	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden			

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The bill:

S. 14. To require the Court of County Commissioners, or like governing body of St. Clair County, to appropriate annually out of the general fund of the County a sum not less than three thousand (\$3,000.00) dollars; such sum to be preferred claim and payable to the budget of the St. Clair County Health Department for the establishment, maintenance and operation of a health depart-

ment in the county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Powell
Beasley	Duncan	Hooton	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden			

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The bill:

S. 15. For the relief of T. F. Griffin, Sheriff of Etowah County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Powell
Beasley	Duncan	Hooton	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden			

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The bill:

S. 16. To allow the Sheriff of Etowah County an additional deputy sheriff to that as now allowed by law, to fix his salary and make it payable out of the general funds of the county in monthly installments.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Powell
Beasley	Duncan	Hooton	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden			

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BILL TEMPORARILY POSTPONED

On motion of Mr. Cowart, further consideration of the bill:

S. 9. To withdraw and take away from the Court of County Commissioners of Winston County, Alabama, all jurisdiction over public roads and bridges and public road and bridge funds in said county; to create and establish a Highway Commission for said county to be composed of the Probate Judge of said county and two other members to be appointed; and to invest said Highway Commission with jurisdiction, authority over public roads and bridges and over public road and bridge funds in and for said county; to provide for the terms of office and compensation of said members; and to define the powers, jurisdiction, duties, authority, and responsibilities of said commission; and to repeal all laws, local and general, in conflict herewith in so far as the same apply to Winston County, Alabama.

Was postponed until the next Legislative day.

CALENDAR BILL RE-REFERRED

On motion of Mr. Scruggs, the bill:

S. 10. To abolish the office known as State Prison Inspector, and to require the State Health Officer to take over, assume and perform all of the duties of the State Prison Inspector and his assistants, clerks and/or stenographers, and to provide that all the duties now required by law to be done or performed by the State Prison Inspector, and all of the powers now given to the State Prison Inspector by law be and the same are hereby transferred to and made a part of the duties, powers and obligations of the State Health Officer of the State of Alabama; to provide that all prisons, penitentiaries, city prisons, city jails, county jails, alms houses, asylums, penal institutions, or institutions of like kind or character shall be inspected in the same manner as now provided by law; that such inspections shall be made by the county or city health officer or person in charge of the county health unit of the county or city in which such institution is located under the direction, rules and regulations of the State Health Officer of the State of Alabama not in conflict with existing laws in Chapter 168 of the Code of Alabama of 1923, and to provide that such inspection and the enforcement of such rules and regulations shall be done and carried on and performed by the State Health Officer by and with the aid of the county or city health officer or person in charge of the county health unit of the respective cities and counties of the State without any further, other or additional charges or appropriations for that purpose, and repealing all appropriations hereto fore made for salaries, expenses or expenditures for the State Prison Inspector's office; and to provide that this Act take effect immediately upon its approval.

Was taken from the calendar and re-referred by the President of the Senate to the Standing Committee on Penitentiary, Prison and Prison Punishment.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Resolution:

S. J. R. 24. Adopting the Joint Rules of the House and Senate as adopted and used in 1931, as the Joint Rules for this Special session.

And returns same herewith to the Senate.

J. H. Stewart, Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your standing committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Third legislative day, and finds same correct and containing all original entries and references thereto required by the Constitution.

Hubert Farmer, Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and on motion of Mr. Farmer, said report was concurred in and the Journal of the Senate for the Third legislative day approved by the Senate.

ADJOURNMENT

At 11:25 A. M. on motion of Mr. Powell and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, August 23, 1932, at 11:00 A. M.

FOURTH DAY

Tuesday, August 23rd, 1932.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Rev. F. M. Little of the Church of Christ, Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

JOURNAL

On motion of Mr. Duncan, the reading of the Journal of yesterday was dispensed with and same approved.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Kelley:

S. 61. To amend Section 3040, of Article 4, of Chapter 58, of the Alabama Code of 1923.

Committee on Finance and Taxation.

By Mr. Kelley:

S. 62. To amend Section 3048, of Article 5, of Chapter 58, of the Alabama Code of 1923.

Committee on Finance and Taxation.

By Mr. Mullins:

S. 63. To provide for holding a convention to revise and amend the Constitution of this State.

Committee on Constitution, Constitutional Revision and Amendments.

By Mr. Shepherd:

S. 64. To amend Section 7019 of the 1923 Code of Alabama.
Committee on Revision of Laws.

By Mr. Goodwin:

S. 65. Making the purchase, or receiving for sale, or in pledge, or on storage, or for safe keeping from unauthorized persons of railroad equipment or of articles of iron, brass, or other metal manufactured exclusively for railroad purposes a misdemeanor, and prescribing the penalty therefor, and providing what shall constitute prima facie evidence of this Act.

Committee on Judiciary.

By Mr. Bonner:

S. 66. To reduce appropriations to each and every department or branch of the Alabama State Government; also to each and every college in Alabama, including the Alabama School of Trades and Industries.

Committee on Finance and Taxation.

By Mr. Bonner:

S. 67. To repeal a bill known as: "An Act in relation to the educational system of Alabama; to make appropriations and provide funds for the support, maintenance and development of public education in Alabama, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades and Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama; and to prescribe conditions of apportionment and expenditure of such funds or appropriations," approved August 25, 1927.

Committee on Education.

By Mr. Bonner:

S. 68. In relation to the educational system of Alabama; to make appropriations and provide funds for the support, maintenance and development of public education in Alabama, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades and Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama, and to prescribe conditions of apportionment and expenditure of such funds or appropriations.

Committee on Finance and Taxation.

By Mr. Riddle:

S. 69. To propose an amendment to the Constitution of Alabama to be known as "Article XXIV", exempting from State, County and Municipal ad valorem taxation and from levy and sale for taxes the homestead of every resident of this State to be selected by him or her with the improvements, and appurtenances, not exceeding in value Two Thousand (\$2,000.00) Dollars and in area 160 acres to the extent of any interest which he or she may have therein, and to require the Legislature to provide funds to the several counties of the state to cover all losses that said county

may sustain in their revenue by reason of the adoption of this amendment.

Committee on Constitution, Constitutional Revision and
Amendments.

The above bill was read a first time at length as required by the Constitution of the State of Alabama.

By Mr. Powell:

S. 70. To authorize the Superintendent of Banks to co-operate with the depositors and common creditors of a closed bank in working out plans to reorganize and reopen the bank and to empower him to do all things necessary in connection therewith to make the bank safe and solvent after the plan has been submitted to and approved by the court having jurisdiction.

Committee on Banking and Insurance.

By Mr. Teasley:

S. 71. To amend Section 8563 of the Code of Alabama of 1923.

Committee on Banking and Insurance.

By Mr. Teasley:

S. 72. To provide for the propounding and prosecution of a claim or claims by and in the name of the State of Alabama against the Government of the United States of America for the recovery, under the present laws of the United States or such as may be hereafter enacted, from said Government of all moneys heretofore paid illegally into the Federal treasury as a direct tax upon property situated in the State of Alabama; to provide for the recovery of same; to authorize the Governor of the State to employ counsel and enter into the necessary contracts and agreements for the carrying out of the object of this Act; to provide for notice to and procedure by claimants of such moneys and to fix a prescription period after which such moneys shall escheat to and become the absolute property of the State of Alabama.

Committee on Finance and Taxation.

By Mr. Teasley:

S. 73. For the relief of tax payers permitting and authorizing the transfer of any tax claim held by the State of Alabama, any county, municipality or taxing district thereof and authorizing and directing the issue of certificates evidencing such transfers and securing to the owner or holder of such certificates the same liens and the same remedies for enforcing said tax claims as the State of Alabama or the county or municipality or taxing district had prior to said transfer by it and providing for the enforcement and release thereof by such owner or holder.

Committee on Finance and Taxation.

By Mr. Lapsley:

S. 74. To abolish "The Dallas County Court" and to provide for the transfer and disposition of the cases and records of said court, and of the balance of any money arising therefrom, after

the payment of all just claims against said county court fund.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE.

Notice is hereby given that at the next special session of the Legislature of Alabama, application will be made for the passage of a proposed law, in substance, to abolish the Dallas County Court and repeal the Act creating said court, which Act was approved July 2, 1931; to provide for the transfer and disposition of the cases pending in said court and the records of said Court; and to provide for the transfer to the General Fund of Dallas County of the balance of any monies remaining to the credit of the County Court Fund, provided for by said Act, after the payment of all just claims against said fund.

THE STATE OF ALABAMA, }
THE COUNTY OF DALLAS }

Before me, Ida O'Rourke Moore, a Notary Public in and for said County, in said State, personally appeared F. T. Raiford, who being by me first duly sworn deposes and says, as follows: That he is Editor of the Selma Times-Journal, a newspaper published in Selma, Dallas County, Alabama, and that the attached notice was published without cost to the State in said Selma Times-Journal once a week for four consecutive weeks, the same having been published in the issues of said newspaper on the following dates, namely:

July 8, 15, 22, 29, 1932.

F. T. RAIFORD,

Editor.

Sworn to and subscribed before me, this, the 11th day of August, 1932.

IDA O'R. MOORE,

Notary Public, Dallas County, Alabama.

By Mr. Darden:

S. 75. To better protect the people of Alabama and members of the Legislature of Alabama from the harmful influences of lobbying and lobbyists; to define and regulate what is generally known and called lobbying and lobbyists; to define and regulate legislative counsel and legislative agents; to provide and require the Secretary of State shall keep a Legislative Docket in which the names of all Legislative Counsel and Legislative Agents, and their addresses and names of their employers, their names and addresses and purposes of their employment, the time of same, their remuneration, shall be entered; to require all persons, firms, associations and corporations to enter or cause to be entered the names of their legislative counsel, or agents, the purposes for which same are employed, the consideration paid or to be paid their legislative counsel or agents, on the Legislative Docket provided for in this Act; to prohibit employment of legislative counsel or agents on a contingent basis; to require all legislative counsel and agents, before entering upon their duties as such to register their names and addresses, the purposes and length of their employment, by whom and the remuneration paid or to be paid, for their services by their employer, on the legislative docket provided for in this act; to prohibit the presence of any legislative counsel or agent upon the

floor of the Senate or House while in session; to require all persons, firms, associations or corporations to file an itemized and sworn statement of all moneys paid, or contracted to be paid, or other consideration paid, delivered or agreed to be paid or delivered, to their respective legislative counsel or legislative agents, within ten days after the final adjournment of any regular or special session of the legislature; to prohibit personal lobbying by legislative counsel or agent with members of the legislature; to prohibit officers, agents, employees, or appointees of the State of Alabama, and of the United States from lobbying in matters in which they are financially interested, except in the authorized manner provided in this act; to require the circuit solicitor of Montgomery County and the Attorney General of Alabama to prosecute violations of this Act; to provide and define a penalty for the violations of the provisions of this Act; to provide that all parts of this Act shall remain in full force and effect, capable of being enforced, should any court of competent jurisdiction declare any part of it unconstitutional; to repeal all laws and parts of laws in conflict with the provisions of this Act, and to provide time when this Act shall go into effect.

Committee on Judiciary.

By Mr. Darden:

S. 76. To require all members of the Alabama Legislature to register in the Legislators' Registration Docket, in the office of the Secretary of State, within two days after entering upon the duties of their office, and to give therein the names of all corporations, with their addresses, in which they are interested as stockholders, officers or employees, or connected in any other manner within the two years previous to their election to said office and at the time of assuming their duties as such officials; to require the Secretary of State to procure and keep a well bound volume, with proper and suitable index, to be known and called Legislators' Registration Docket for the use of the legislators to register and give other data therein required by this Act; and to provide a penalty for failure to comply with the provisions of this Act.

Committee on Judiciary.

By Mr. Faulk:

S. 77. To provide for the purchase and distribution of anti-hog Cholera Serum and Hog Cholera Virus by the State Live Stock Sanitary Board, for the Suppression of Hog Cholera in the State of Alabama; and to make appropriation therefor out of any monies to the credit of the Agricultural Fund; and to fix penalties for the violation of this Act.

Committee on Agriculture.

REPORT OF COMMITTEE

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on

the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin (with notice and proof):

S. 41. To authorize the City of Florala, Alabama, to use certain school bond funds on deposit in the defunct First National Bank of Florala, Alabama, as or in the Nature of a Set-Off or Counter-claim against an Indebtedness owed by said City to said Bank.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution, and sends same herewith to the Senate:

By Mr. Poole:

H. J. R. 5. WHEREAS, there is an appalling deficit in the financial affairs of the State of Alabama which has been brought about largely because of appropriations made in excess of the income of the State, many of which appropriations are for overlapping and unnecessary functions of government; and

WHEREAS, the credit and honor of the State is at stake and the budget must be balanced in order that the debts of the State may be paid and the common schools may be opened and the functions of government may be carried on in an orderly and proper manner; and

WHEREAS, because of the economic distress under which the people of the State are laboring at this time it is impracticable and inadvisable to impose any additional tax burdens upon the people without first making an honest effort to balance the budget by reducing and adjusting appropriations so as to bring the expenses of government within the present income of the State;

NOW, THEREFORE, be it resolved by the House of Representatives, the Senate concurring:

That the first order of business shall be the readjustment of appropriations and the reduction of expenses within the limits of the anticipated income from the present taxes, and that no revenue measures of any kind shall be considered until this is done.

That the first order of business shall be the readjustment of appropriations and the reduction of expenses within the limits of the anticipated income from the present taxes and that no revenue measures of any kind shall be voted upon by the House until this is done, provided, however, that this resolution shall not be considered as having application to any constitutional amendments.

J. H. Stewart, Clerk.

HOUSE MESSAGE

H. J. R. 5, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

The bill:

S. 9. To withdraw and take away from the Court of County Commissioners of Winston County, Alabama, all jurisdiction over public roads and bridges and public road and bridge funds in said county; to create and establish a Highway Commission for said county to be composed of the Probate Judge of said county and two other members to be appointed; and to invest said Highway Commission with jurisdiction, authority over public roads and bridges and over public road and bridge funds in and for said county; to provide for the terms of office and compensation of said members; and to define the powers, jurisdiction, duties, authority, and responsibilities of said commission; and to repeal all laws, local and general, in conflict herewith in so far as the same apply to Winston County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden	Hildreth		

—34

The bill:

S. 18. A bill to be entitled an Act to submit to the qualified voters of the State of Alabama, at the general election to be held in November, 1932, for their consideration, an amendment to the Constitution of the State of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, to fix, regulate and alter the costs, charges of courts, fees, commissions, allowances to be charged or received by any county office of Tuscaloosa County, Alabama, including the Sheriff, Judge of Probate, Tax Assessor, Tax Collector, Clerk of the Circuit Court and Register of the Chancery Court, and including the method or basis of their compensation, or to consolidate any of said offices into one.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the costs, charges of

courts, fees, commissions, allowance to be charged or received, by any County Office of Tuscaloosa County, Alabama, including the sheriff, Judge of Probate, Tax Assessor, Tax Collector, Clerk of the Circuit Court and Register of the Chancery Court and including the right to place any one or all of said officers on a salary and provide for the fees charged by said officer to be paid into the treasury from which his salary is paid, and provide the method and basis of their compensation or consolidate any of said offices into one."

Section 2. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least eight successive weeks next preceding the general election in November, 1932, of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

Section 3. That at the general election in November, 1932, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz: "Amendment to Constitution, Authorizing The Legislature of Alabama, By General Or Local Laws, From Time to Time, To Fix, Regulate and Alter The Costs, Charges of Courts, Fees, Commissions, Allowances To Be Charged Or Received By Any County Officer Of Tuscaloosa County, Alabama, Including The Sheriff, Judge of Probate, Tax Assessor, Tax Collector, Clerk Of The Circuit Court And Register Of The Chancery Court or to consolidate any of said offices into one, or place any of said offices on a salary and provide for the payment of such fees into the treasury from which his salary is paid, and provide the Method And Basis Of Their Compensation." Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 32; nays, 1.

Yeas:

Messrs:

Bartlett	Darden	Hildreth	Powell
Beasley	Delony	Jordan	Riddle
Bonner	Duncan	Kelley	Scruggs
Brown	Edmundson	Lapsley	Shepherd
Caffey	Farmer	McDaniel	Teasley
Cooper	Faulk	McDowell	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle

—32

Nays: Mr. Hooton.

—1

The bill:

S. 1. To amend Sections 1 & 2 of an Act entitled: "An Act to provide for the expenses incurred by members of the Legislature of Alabama while in attendance upon sessions of the Legislature."

Was taken up.

The Standing Committee on Finance & Taxation reported the following substitute for said bill, to-wit:

Substitute:

A BILL

To be entitled An Act to amend Section One of an Act approved January 28th, 1927, and entitled, "An Act to provide for the expenses incurred by members of the Legislature of Alabama while in attendance upon sessions of the Legislature."

Be it enacted by the Legislature of Alabama:

Section 1. That Section One of an Act approved January 28th, 1927, and entitled, "An Act to provide for the expenses incurred by members of the Legislature of Alabama while in attendance upon sessions of the Legislature," be, and the same hereby is, amended so as to read as follows:—

"Section 1. Each member of the Senate and House of Representatives of the Legislature of Alabama, shall be paid the reasonable expenses incurred by him because of and while in attendance upon the sessions of the Legislature which expense shall, among other things, include stenographic work, telephone and telegraphic service, clerk hire, stamps and like expenses, provided that no expense allowance for any one member for any one day shall exceed the sum of Two Dollars (\$2.00).

Section 2. All laws in conflict with the provisions of this Act are hereby repealed.

Which was adopted.

Yeas, 26; nays, 3.

Yeas:

Messrs:

Bartlett	Delony	Kelley	Scruggs
Beasley	Duncan	McDaniel	Shepherd
Bonner	Farmer	Millsap	Teasley
Caffey	Faulk	Mullins	Walker
Cooper	Garrett	Powell	Warren
Craft	Goodwin	Riddle	Wikle
Darden	Hildreth		

—26

Nays: Messrs. Cowart, Hooton and Jordon.

—3

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 29; nays, 1.

Yeas:

Messrs:

Bartlett	Delony	Hildreth	Mullins
Beasley	Duncan	Jordan	Powell
Bonner	Edmundson	Kelley	Scruggs
Caffey	Farmer	Lapsley	Shepherd
Cooper	Faulk	McDaniel	Teasley
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden			

—29

Nays: Mr. Hooton.

—1

The bill:

S. 2. To amend Section 3110 of the Code of Alabama 1923.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill, to-wit:

Amend S. B. No. 2 by striking out the words: "including the current tax assessing year".

And amend said bill further by adding at the end of Section 1, the following:

Provided, however, that in cases where real estate has been sold for taxes and bid in for the State, the person in whose name such real estate was assessed, or any other person having ownership or interest therein, has assessed the same for taxes for the subsequent years and the taxes have been paid thereon for the years subsequent to the sale, on a certificate from the Tax Collector that such taxes have been paid, the person redeeming such lands shall be relieved from paying to the Probate Judge the taxes of the subsequent years so paid; and provided further, that the Tax Assessor shall be notified by the Probate Judge of the redemption of such real estate, and he shall immediately enter the same at the valuation of such real estate at the time of the sale on his assessment lists and records of assessments and Collector's abstract of assessments for the current year as a supplemental assessment and the tax thereon shall be due and collectible as all other taxes.

Mr. Delony offered the following substitute for said bill and amendment, to-wit:

A BILL

To be entitled An Act to amend Section 3110 of the Code of Alabama 1923.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 3110 of the Code of Alabama 1923 be amended so as to read as follows:

3110. (2314) (4091) (608) Mode and terms of redemption of land where sold to State.—In order to obtain the redemption of land from tax sales, where the same has been sold to the State, the party desiring to make such redemption shall deposit with the Judge of Probate of the County in which the land is situated the amount of money for which the lands were sold, with interest thereon at the rate of eight per cent per annum, from the date of sale, together with the amount of all taxes due on such lands since the date of sale, with interest thereon at the rate of eight per cent per annum from the maturity of such taxes, and all costs and fees due to officers as set out in the following section. Provided, however, that where the person in whose name such land was assessed at the time of such sale, or some other person having ownership or interest therein, has regularly assessed such land for taxation for the assessment years subsequent to the year for the taxes of which the land was sold and the taxes due thereon have been fully paid, and on certificates of the Tax Assessor and Tax Collector to that effect, the person redeeming such land shall be relieved of paying to the Probate Judge the taxes of such subsequent years, and,

Provided further, that said lands shall in any event be subject to assessment for taxes for the current assessment year in which redeemed, and if not regularly assessed on or before February 1st in the name of the person redeeming the same, or by any other person interested therein, the Probate Judge shall give notice of such redemption to the Tax Assessor, who shall forthwith list such land for assessment in the name of the person redeeming the same at the same valuation of assessment under which it was sold, shall enter the same on his records of assessment and Collector's abstract of assessments and shall furnish to the State Auditor an abstract of such supplemental assessment, and the taxes thereon shall be due and collectible as other taxes.

Which was adopted.

Yeas, 28; nays, 0.

Yeas:

Messrs:

Bartlett
Beasley
Bonner
Brown

Caffey
Cooper
Craft
Darden

Delony
Farmer
Faulk
Garrett

Goodwin
Hildreth
Hooton
Kelley

Lapsley
McDaniel
McDowell

Millsap
Mullins
Riddle

Scruggs
Shepherd
Teasley

Walker
Warren
Wikle

—28

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper

Craft
Darden
Delony
Faulk
Garrett
Hildreth

Hooton
Kelley
Lapsley
McDaniel
McDowell
Millsap

Mullins
Riddle
Scruggs
Teasley
Walker
Wikle

—24

The bill:

S. 3. To amend Section 3111 of the Code of Alabama 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; nays, 1.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft

Darden
Delony
Farmer
Faulk
Fletcher
Garrett
Goodwin

Hildreth
Kelley
Lapsley
McDaniel
McDowell
Millsap
Mullins

Powell
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—29

Nays: Mr. Hooton.

—1

The bill:

S. 4. To repeal Section 3122 of the Code of Alabama 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 1.

Yeas:

Messrs.:

Bartlett
Bonner
Brown
Caffey
Cooper
Craft
Darden

Delony
Duncan
Edmundson
Faulk
Fletcher
Garrett
Goodwin

Hildreth
Jordan
Kelley
Lapsley
McDowell
Millsap

Mullins
Powell
Scruggs
Teasley
Walker
Warren

—26

Nays: Mr. Hooton.

—1

The bill:

S. 6. To amend Section 260 of an Act approved September 15, 1919, entitled, "An Act, to provide for the general revenue of the State of Alabama."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 29; nays, 1.

Yeas:

Messrs.:

Bartlett	Darden	Goodwin	Powell
Beasley	Delony	Hildreth	Riddle
Bonner	Duncan	Jordan	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	Millsap	Walker
Cowart	Garrett	Mullins	Wikle
Craft			

—29

Nays: Mr. Hooton.

—1

The bill:

S. 22. For the relief of the National Life and Accident Insurance Company, Inc., a corporation, and for the appropriation to it of Five Thousand Seven Hundred Sixteen Dollars and Twenty-two Cents (\$5,716.22), excess taxes collected from it by the Insurance Department.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hooton	Mullins
Beasley	Delony	Jordan	Powell
Bonner	Duncan	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffey	Garrett	McDaniel	Teasley
Cowart	Goodwin	McDowell	Walker
Craft	Hildreth	Millsap	Wikle

—28

Said vote being a two-thirds majority of a quorum of the Senate present.

The bill:

S. 23. To repeal an Act approved February 20th, 1931, entitled, "An Act to authorize the Senate and House of Representatives of the Legislature of Alabama to fix, by resolution, the per diem of the subordinate officers and employees of the respective Houses, and to fix the expense allowance to the President Pro Tem of the Senate."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 1.

Yeas:

Messrs.:

Bartlett	Darden	Goodwin	Mullins
Beasley	Delony	Hildreth	Powell
Bonner	Duncan	Jordan	Shepherd
Caffey	Edmundson	Kelley	Walker
Cooper	Farmer	McDaniel	Warren
Cowart	Faulk	Millsap	Wikle
Craft	Garrett		

—26

Nays: Mr. Hooton.

—1

The bill:

S. 34. To make an appropriation of one hundred thousand (\$100,000.00) dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present extraordinary session of the Legislature.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 1.

Yeas:

Messrs.:

Bartlett	Delony	Jordan	Riddle
Beasley	Duncan	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Walker
Cooper	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden	Hildreth		

—26

Nays: Mr. Hooton.

—1

The bill:

S. 21. To provide for a consolidation of certain revenues collected by the State Department of Game and Fisheries into one fund to be known as the Game and Fish Fund, and provide for the use of said fund. To provide for the paying of certain revenues to counties and to provide penalties for violation of the Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 4.

Yeas:

Messrs.:

Bartlett	Cowart	Faulk	Millsap
Beasley	Craft	Garrett	Mullins
Bonner	Darden	Goodwin	Scruggs
Brown	Delony	Hildreth	Shepherd
Caffey	Duncan	McDaniel	Warren
Cooper	Edmundson	McDowell	Wikle

—24

Nays: Messrs. Hooton, Jordan, Kelley and Lapsley

—4

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and ordered same sent forthwith to the Senate:
By Mr. Carmichael:

H. J. R. 27. Whereas, one of the principle issues involved in the Presidential campaign and which will be determined at the November elections is as to a proper governmental policy relative to the development of the natural resources and especially as to the disposition of the hydro-electric power developed as a by-product to the erection by the government of high dams for navigation and flood control purposes; and

Whereas, in connection with this problem the eyes of the Nation have for many years been directed to what is known as the unsolved Muscle Shoals question and the disposition of the power generated by the erection of Wilson Dam at Muscle Shoals, Alabama; and,

Whereas, a discussion of this problem at Muscle Shoals, Alabama, would focus the attention of the nation upon the Muscle Shoals question and the governmental policy involved as it would at no other place in the United States;

Therefore, be it resolved by the House of Representatives, the Senate concurring, that an invitation be, and it hereby is, extended to Governor Franklin D. Roosevelt of New York, the Democratic Nominee for President of the United States, to include Muscle Shoals, Alabama in his itinerary and deliver one of his major campaign speeches at this point.

J. H. Stewart, Clerk.

HOUSE MESSAGE

H. J. R. 27, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and ordered same sent forthwith to the Senate:
By Mr. Harrison:

H. J. R. 28. Resolved by the House, the Senate concurring, that a joint committee to be composed of two members of House and one of Senate be appointed to confer with the Governor to ascertain whether there will be sufficient funds in the treasury to pay expenses of the Legislature. Said committee shall report at earliest possible moment.

And the Speaker has named as Committee on part of the House: Messrs. Harrison and Sparks.

J. H. Stewart, Clerk.

HOUSE MESSAGE

On motion of Mr. Scruggs, H. J. R. 28, set out in the foregoing message from the House, was concurred in and adopted, and the President of the Senate appointed as Committee on part of the Senate Mr. Teasley.

RECESS

At 12:30 P. M. on motion of Mr. Powell, the Senate took a recess until 4 o'clock this afternoon.

AFTERNOON SESSION—FOURTH DAY

Tuesday, August 23rd, 1932.

The Senate re-assembled at 4 o'clock P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Present:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Hildreth:

S. 78. To provide that all liens now or hereafter acquired by cities and towns in this State for public improvements under the general laws of this State shall continue until the same are paid or satisfied in full.

Committee on Judiciary.

By Mr. Warren:

S. 79. To provide for the special relief of J. A. Kizer by making an appropriation to compensate him for injuries received while he was employed by the Alabama Insane Hospital.

Committee on Finance and Taxation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill may be introduced at the next special session of the Legislature of Alabama, if such a session be held, which bill in substance will be as follows, to-wit:

A BILL TO BE ENTITLED AN ACT

To provide for the special relief of J. A. Kizer by making an appropriation to compensate him for injuries received while he was employed by the Alabama Insane Hospital.

Be it enacted by the Legislature of Alabama:

Section 1. That the sum of Three Thousand Dollars be and the same is hereby appropriated for the relief of J. A. Kizer who was injured by having all of his fingers cut off his right hand while working with a circle saw for the Alabama Insane Hospital.

Section 2. That the State Auditor be and he is hereby authorized and directed to draw his warrant in favor of the said J. A. Kizer in said sum of Three Thousand Dollars.

I hereby certify that the attached notice was published in the Tuscaloosa News once a week for four consecutive weeks; viz, Aug. 31, Sept. 7, 14, 21, 1931.

N. H. COBBS,
Editor.

Subscribed and sworn to before me on this the 15th day of August, 1932.

KATIE LEE SIMMONS,
Notary Public.

By Mr. Warren:

S. 80. To provide for the special relief of Lucia Jones and George W. Vanhooose, to authorize, empower and direct the Probate Judge of Tuscaloosa County, Alabama, and the custodian of the fiduciary funds of said county to pay to the said Lucia Jones and George W. Vanhooose out of the fiduciary funds paid or transferred to the treasury of said County by the register of the Circuit Court of said County on the 9th day of October, 1930, the sum of \$1600.13 upon condition that the said Lucia Jones and George W. Vanhooose first enter into bond to secure against loss as a result of such payment any and every person who within ten years from October 9th of 1930, proves himself or herself legally entitled to any part of said funds in the manner provided for in Section 10466 of the Code of Alabama, of 1923.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL TO BE ENTITLED AN ACT

Notice is hereby given that the following bill will be introduced at the next special session of the legislature of Alabama:

To provide for the special relief of Lucia Jones and George W. Vanhooose to authorize, empower and direct the Probate Judge of Tuscaloosa County, Alabama, and the custodian of the fiduciary funds of said county to pay to the said Lucia Jones and George W. Van Hoose out of the fiduciary funds paid or transferred to the treasury of said County by the register of the Circuit Court of said county on the 9th day of October, 1930, the sum of

\$1600.13 upon condition that the said Lucia Jones and George W. VanHoose first enter into bond to secure against loss as a result of such payment any and every person who within ten years from October 9th of 1930, proves himself or herself legally entitled to any part of said funds in the manner provided for in Section 10466 of the Code of Alabama, of 1923.

Be It Enacted By the Legislature of Alabama.

Section 1. That the Probate Judge of Tuscaloosa County, Alabama, and the depository and custodian of the fiduciary funds of said county, be and they are hereby authorized and directed to pay to Lucia Jones and George W. Van Hoose and for their relief, out of the County treasury of said County that certain fiduciary fund in the amount of \$1600.13 which was on October 9th of 1930, transferred or paid into the treasury of said County by the register of the Circuit Court of said County; provided that the said Lucia Jones and George W. VanHoose first enter into bond in the sum of not less than \$1600.13 with some bonding Company authorized to do business in this State as surety thereon, conditioned upon the said Lucia Jones and George W. VanHoose paying to any and every person who within ten years from October 9th of 1930, proves himself or herself to be legally entitled to any part of said funds as provided for in section 10466 of the Code of Alabama, of 1923.

Section 2. This act shall take effect immediately upon its approval by the Governor.

AFFIDAVIT OF PUBLICATION.

State of Alabama }
County of Tuskaloosa }

Before me, the undersigned, J. M. Ward, a Notary Public, in and for said State and County, Personally appeared, W. J. Primm, Jr., who being duly sworn, deposes and says that he is the Publisher of the Tuskaloosa Warrior, a newspaper published in Tuskaloosa County, Alabama, and that notice contained in the excerpt from said newspaper, pasted to this page, was published in the Tuskaloosa Warrior, once a week for four (4) consecutive weeks. The first publication having been made in the issue of said newspaper on July 29, 1932 and the following three (3) publications in the issues of said newspaper were August 5, 1932; August 12, 1932; August 19, 1932; respectively.

Signed W. J. PRIMM, JR.

Sworn to and subscribed before me this 20th day of August, 1932.

J. M. WARD,
Notary Public.

By Mr. Lapsley:

S. 81. To amend Section 8 of an act to impose, for the use and purpose of supervising, preserving, maintaining, constructing and regulating the use of public roads and bridges in the State of Alabama, and to maintain and supervise state convicts while working upon such roads and bridges, an excise tax on all persons, companies, agencies, corporations and associations who sell, distribute, store or draw from storage for any purpose whatsoever gasoline or any other liquid motor fuels or devices or any substitutes therefor within the State of Alabama; providing for the collection of such excise tax and the payment of same into the state treasury to the credit of the state highway department for the public road and bridge fund; providing for the enforcement of this act and fixing a penalty for the violation of the provisions hereof; providing that the said excise tax so imposed shall be in addition to all other excise tax now imposed by law; and providing that freight agents

of railroads and all agents of all transportation companies operating within the state of Alabama and who transport motor fuels, shall report to the state tax commission all shipments of gasoline or any substitutes therefor, receive at any of their stations within the State.—approved July 27, 1931.

Committee on Finance and Taxation.

REPORT OF COMMITTEE

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bonner (with substitute):

S. 25. Relating to the salary or compensation of officers or employees of the State, or of any department thereof whose compensation is paid out of State Treasury.

By Mr. Kelly:

S. 44. To repeal Sections 906, 907, 908, 910, 911, 912, 913, 914, 915, 916, 917, 918, and 919, of Chapter 25, Article 9, of the Code of Alabama of 1923, relating to the Budget Commission.

By Mr. Walker:

S. 47. To amend Section 2107 of the Code of Alabama, 1923.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your standing committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the fourth legislative day, and finds same correct and containing all original entries and references thereto required by the Constitution.

Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and on motion of Mr. Farmer, said report was concurred in and the Journal of the Senate for the fourth legislative day approved by the Senate.

ADJOURNMENT

At 4:45 P. M. on motion of Mr. Mullins, the Senate adjourned until 3:00 o'clock tomorrow afternoon.

FIFTH DAY

Wednesday, August 24th, 1932.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with prayer by Dr. Allen S. Cutts, pastor of the First Baptist Church, Pensacola, Florida.

ROLL CALL

Present:

Messrs.:			
Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden	Hildreth		

—34

JOURNAL

On motion of Mr. Caffey, the reading of the Journal of yesterday was dispensed with and same approved.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Garrett:

S. 82. To repeal Sections 405, 406, 407, 408, 409, 410, 411, 412 of Article 4 of Chapter 19, Code of Alabama 1923, and Sections 677, 678, 679, 680, 681, 682, 683, and 684 of Article 3 of Chapter 20, Code of Alabama, 1923.

Committee on Privileges and Elections.

By Mr. McDaniel:

S. 83. To submit to the qualified electors of the State of Alabama at the general election to be held next succeeding this session of the Legislature, for their consideration, an amendment to the Constitution of the State of Alabama by amending Section 116 of Article 5 of the Constitution of Alabama.

Committee on Constitution, Constitutional Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Hildreth:

S. 84. To make it legal and binding for any person, who is an office holder in or of the State of Alabama, or any county or municipality thereof, or any person holding any civil office of profit under this State, or any county or municipality thereof, whose compensation, salary or fees is fixed by law for his service, and which compensation, salary or fees cannot, or shall not be increased or diminished during the term for which he shall have been elected or appointed under the provisions of Sections 118, 150 or 281 of the Constitution of Alabama, to voluntarily diminish his compensation, salary or fees fixed by law; and to provide the manner and way in which such diminished compensation, salary or fees can be made legal and binding.

Committee on Finance and Taxation.

By Mr. Jordan:

S. 85. To repeal an act entitled, "An act to authorize the issuance of contingent endowment contracts of insurance by life insurance companies and fraternal benefit societies; and to provide for the maintenance of reserves thereon."

Committee on Banking and Insurance.

By Mr. Jordan:

S. 86. To repeal an act entitled, "An act to prohibit the writing of contingent or so called mortality endowment contracts by life insurance companies, mutual aid associations and fraternal benefit societies, to further regulate the writing of such contracts and to repeal all laws and parts of laws in conflict with this act."

Committee on Banking and Insurance.

REPORTS OF COMMITTEES

Mr. McDowell, Chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hildreth (with amendment):

S. 78. To provide that all liens now or hereafter acquired by cities and towns in this state for public improvements under the general laws of this state shall continue until the same are paid or satisfied in full.

By Mr. Goodwin:

S. 65. Making the purchase, or receiving for sale, or in pledge, or on storage, or for safe keeping from unauthorized persons of railroad equipment or of articles of iron, brass, or other metal manufactured exclusively for railroad purposes a misdemeanor, and prescribing the penalty therefor, and providing what shall constitute prima facie evidence of this act.

By Mr. Darden:

S. 57. To amend Section 9609 of the 1923 Code of Alabama.

By Mr. Darden:

S. 55. To Amend Section 9612 of the 1923 Code of Alabama.

By Mr. Darden:

S. 53. To Amend Section 9606 of the 1923 Code of Alabama.

By Mr. Darden (with substitute):

S. 31. To amend Section 5076 of the 1923 Code of Alabama.

Mr. Hildreth, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Riddle (without recommendation):

S. 69. To propose an amendment to the Constitution of Alabama to be known as "Article XXIV", exempting from State, County and Municipal ad valorem taxation and from levy and sale for taxes the homestead of every resident of this state, to be selected by him or her, with the improvements and appurtenances, not exceeding in value Two Thousand (\$2,000.00) Dollars and in area 160 Acres to the extent of any interest, which he or she may have therein, and to require the Legislature to provide funds to the several counties of the state to cover all losses that said county may sustain in their revenue by reason of the adoption of this amendment.

The above bill was read a second time at length, as required by the Constitution.

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lapsley (with notice and proof):

S. 74. To abolish "The Dallas County Court" and to provide for the transfer and disposition of the cases and records of said court, and of the balance of any money arising therefrom, after the payment of all just claims against said county court fund.

By Mr. Warren (with notice and proof):

S. 80. To provide for the special relief of Lucia Jones and George W. Vanhooze, to authorize, empower and direct the Probate Judge of Tuscaloosa County, Alabama, and the custodian of the fiduciary funds of said county to pay to the said Lucia Jones and George W. Vanhooze out of the fiduciary funds paid or transferred to the treasury of said County by the Register of the Circuit Court of said County on the 9th day of October, 1930, the sum of \$1600.13 upon condition that the said Lucia Jones and George W. Vanhooze first enter into bond to secure against loss as a result of such payment any and every person who within ten years from October 9th of 1930, proves himself or herself legally entitled to any

part of said fund in the manner provided for in Section 10466 of the Code of Alabama, of 1923.

Mr. Wikle, Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Walker:

S. 46. To amend Section 50 of an Act of the Legislature of Alabama, approved September 10, 1927, and entitled "An Act to provide a Code of laws defining the powers of municipal corporations in this State with respect to the construction and maintenance of public improvements and betterments and the assessment of the whole or any part of the cost thereof against the abutting property, or property specially benefited or increased in value by reason of such improvements, and amending sections 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2236, 2237, of the Code of Alabama of 1923; and repealing Sections 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235 of said Code; and to repeal all laws in conflict with the same."

Mr. Warren, Chairman of the Standing Committee on Penitentiary, Prison and Prison Punishment, reported that said Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Warren (with substitute):

S. 10. To abolish the office known as State Prison Inspector, and to require the State Health Officer to take over, assume and perform all of the duties of the State Prison Inspector and his assistants, clerks and/or stenographers, and to provide that all the duties now required by law to be done or performed by the State Prison Inspector, and all of the powers now given to the State Prison Inspector by law be and the same are hereby transferred to and made a part of the duties, powers and obligations of the State Health Officer of the State of Alabama; to provide that all prisons, penitentiaries, city prisons, city jails, county jails, alms houses, asylums, penal institutions, or institutions of like kind or character shall be inspected in the same manner as now provided by law; that such inspections shall be made by the county or city health officer or person in charge of the county health unit of the county or city in which such institution is located under the direction, rules and regulations of the State Health Officer of the State of Alabama not in conflict with existing laws in Chapter 168 of the

Code of Alabama of 1923, and to provide that such inspection and the enforcement of such rules and regulations shall be done and carried on and performed by the State Health Officer by and with the aid of the county or city health officer or person in charge of the county health unit of the respective cities and counties of the State without any further, other or additional charges or appropriations for that purpose, and repealing all appropriations heretofore made for salaries, expenses or expenditures for the State Prison Inspector's office; and to provide that this Act take effect immediately upon its approval.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Sossaman:

H. 45. To amend Section 1 of an Act of the Legislature of Alabama approved September 29, 1919 entitled "An Act to declare the 11th day of November in each and every year a memorial day for the Alabama soldiers who died in the recent war and to make the day a legal holiday in Alabama."

Also:

By Mr. Patterson:

H. 49. To amend Section 8822, of the Code of Alabama, 1923.
J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

H. 45, to the Committee on Military.

H. 49, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate:

By Mr. Miller:

H. 55. To propose an amendment to the Constitution of Alabama to be known as "Article XXIII" authorizing the State to issue and sell negotiable interest bearing bonds in an amount not to exceed Twenty Million Dollars (\$20,000,000.00) in addition to all other bonds of the State; to provide that such bonds shall be free from taxes; to provide that such bonds shall be the general obligation of the State and to provide for a sinking fund to pay the

interest and principal. And to authorize the Governor of Alabama to borrow an amount, or amounts, not in excess of Twenty Million Dollars to pay the indebtedness of the State outstanding on September 30, 1932, and to pledge the bonds herein authorized as collateral security for the amount, or amounts, so borrowed and to use the interest coupons on said bonds in payment of interest.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is the 8th day of November, 1932, this being the date of the general election next succeeding the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

Article XXIII. The State is authorized to issue and sell negotiable interest bearing bonds in addition to all other bonds of the State, in an amount not to exceed the sum of Twenty Million Dollars (\$20,000,000.00) to pay the indebtedness of the State outstanding on September 30, 1932. Said bonds to be issued under such denominations, numbers and series and to mature at such times as may be provided by law, all such bonds shall bear a rate of interest not exceeding six per cent (6%) per annum, payable semi-annually; shall be a direct obligation of the State and the full faith and credit of the State is pledged for the prompt payment of the interest and principal thereof. They shall not be sold at a price less than the par value thereof and they shall be exempt from all State, county and municipal taxes. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds, there is pledged such portion of the income tax which may be collected in Alabama as will be necessary to pay the interest and principal as they mature, or any other tax paid to the State if an income tax is not levied or be insufficient. The Governor may borrow from time to time an amount not in excess of Twenty Million Dollars (\$20,000,000.00) to be used in the payment of the indebtedness due September 30, 1932, or such portion thereof as he may be able to pay with money so borrowed, and may pledge as collateral security for said money so borrowed the bonds herein provided for, or any of them, and may use the interest coupons in payment of interest on the money so borrowed. The Governor of Alabama is authorized to negotiate temporary loans from time to time never to exceed Three Million Dollars (\$3,000,000.00) to meet any deficiencies in the Treasury and to pay interest on the money so borrowed and until the same is paid no new loan shall be negotiated.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor which shall be published in one newspaper in every

county of the State, once a week for at least eight successive weeks next preceding the day appointed for such election.

Section 3. At the election hereby ordered to be held, as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz:

Shall the following be adopted as an amendment to the Constitution of Alabama?

Article XXIII. The State is authorized to issue and sell negotiable interest bearing bonds in addition to all other bonds of the State, in an amount not to exceed the sum of Twenty Million Dollars (\$20,000,000.00) to pay the indebtedness of the State outstanding on September 30, 1932. Said bonds to be issued under such denominations, numbers and series and to mature at such times as may be provided by law, all such bonds shall bear a rate of interest not exceeding six per cent (6%) per annum, payable semi-annually; shall be a direct obligation of the State and the full faith and credit of the State is pledged for the prompt payment of the interest and principal thereof. They shall not be sold at a price less than the par value thereof and they shall be exempt from all State, county and municipal taxes. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds, there is pledged such portion of the income tax which may be collected in Alabama as will be necessary to pay the interest and principal as they mature, or any other tax paid to the State if an income tax is not levied or is insufficient. The Governor may borrow from time to time an amount not in excess of Twenty Million Dollars (\$20,000,000.00) to be used in the payment of the indebtedness due September 30, 1932, or such portion thereof as he may be able to pay with money so borrowed, and may pledge as collateral security for said money so borrowed the bonds herein provided for, or any of them, and may use the interest coupons in payment of interest on the money so borrowed. The Governor of Alabama is authorized to negotiate temporary loans from time to time never to exceed Three Million Dollars (\$3,000,000.00) to meet any deficiencies in the Treasury and to pay interest on the money so borrowed and until the same is paid no new loan shall be negotiated. (Yes_____)(No_____).

Section 4. The officers of the General Election shall open a poll for the vote of the qualified electors upon the proposed amendment.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same such amendment shall

be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Also:

By Mr. Goode:

H. 74. To propose an amendment to the Constitution of Alabama to be known as "Article XXII", authorizing the Legislature to levy an income tax for the calendar year, 1932, and for each year thereafter; to provide that income shall not be considered property for tax purposes, and to provide that the Legislature shall reduce the ad valorem tax when the revenue derived from an income tax will justify.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is the 8th day of November, 1932, this being the date of the general election next succeeding the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

Article XXII. The Legislature shall have the power to levy and collect taxes for State purposes on net incomes from whatever source derived within this State, including the income derived from salaries, fees and compensation paid by the State, County, Municipality and any agency or creature thereof, for the calendar year, 1932, and thereafter, and to designate and to define the incomes to be taxed and to fix the rates of taxes. Income shall not be deemed property for purposes of ad valorem taxes. From net incomes an exemption of Fifteen Hundred Dollars (\$1500.00) shall be allowed to unmarried persons and an exemption of Three Thousand Dollars (\$3,000.00) shall be allowed to the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. The Legislature shall reduce the ad valorem tax from time to time when to such an amount as the revenue derived from the income tax will justify. In the event the Legislature levies an income tax, such tax must be levied upon the salaries, incomes, fees, or other compensation of State, County and Municipal offices and employees, on the same basis as such income taxes are levied upon other persons.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State, once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz: Shall the following be adopted as an Amendment to the Constitution of Alabama?

Article XXII. The Legislature shall have the power to levy and collect taxes for State purposes on net incomes from whatever source derived within this State, including the incomes derived from salaries, fees and compensation paid by the State, County, Municipality and any agency or creature thereof, for the calendar year, 1932, and thereafter, and to designate and to define the incomes to be taxed and to fix the rates of taxes. Income shall not be deemed property for purposes of ad valorem taxes. From net income an exemption of Fifteen Hundred Dollars (\$1500.00) shall be allowed to unmarried persons and an exemption of Three Thousand Dollars (\$3,000.00) shall be allowed to the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. The Legislature shall reduce the ad valorem tax from time to time when and to such an amount as the revenue derived from the income tax will justify. In the event the Legislature levies an income tax, such tax must be levied upon the salaries, incomes, fees, or other compensation of State, County and Municipal offices and employees, on the same basis as such income taxes are levied upon other persons. (Yes____) (No____).

Section 4. The officers of the general election shall open a poll for the vote of the qualified electors upon the proposed amendment.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once at length as required by the Constitution, and referred to appropriate Standing Committee as follows:

H. 55 and H. 74, to the Committee on Constitution and Constitutional Revision and Amendment.

BILL REPORTED AND RE-REFERRED

Mr. McDowell, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill, and ordered same returned to the Senate with the recommendation that it be re-referred to the Committee on Finance and Taxation, to-wit:

S. 58. To Require the Public Service Commission of Alabama, or any other person or agency, discharging the duties now required of the Public Service Commission, not to allow, order or permit any rate-making valuation of any person, firm, association or corporation engaged in any utility business in this state, for rate-making purposes, to be in excess of one hundred per cent (100%) of the valuation placed by the State Tax Commission of this state on the used and useful property of such person, firm, association or corporation engaged in a utility business in this state, for ad valorem taxation assessments.

Pursuant to such recommendation, the President and Presiding Officer of the Senate re-referred said bill to the Standing Committee on Finance and Taxation.

ORDER TO PRINT

On motion of Mr. Hildreth, 500 copies of the bill:

H. 74. To propose an amendment to the Constitution of Alabama to be known as "Article XXII", authorizing the Legislature to levy an income tax for the calendar year, 1932, and for each year thereafter; to provide that income shall not be considered property for tax purposes, and to provide that the Legislature shall reduce the ad valorem tax when the revenue derived from an income tax will justify.

Were ordered printed for the use of the Senate.

COMMUNICATION FROM SUPREME COURT

The following communication from the Supreme Court of Alabama was read and ordered spread upon the Journal.

August 22, 1932.

Hon. J. E. Speight, Secretary,
State Capitol.

Dear Sir:

I am in receipt of yours enclosing copy of Senate Resolution 16 requesting an opinion by the justices as to the constitutionality of Senate bill 51. In reply will say that the justices will not consider same in its present form as it is too general and far-reaching, and does not specify or designate any particular constitutional provision as to which a construction is desired.

Should the resolution be redrafted so as to present in the concrete the question as to which an opinion is desired I will be glad to get such of the justices as are present to consider same.

Yours truly,

JOHN C. ANDERSON,
Chief Justice.

RESOLUTIONS

Mr. Darden offered the following Joint Resolution:

S. J. R. 26. Whereas, the past two or three years of unprecedented financial depression this country has experienced for years, has caused thousands of people in Alabama to secure little or no remunerative work, and hard for the masses of the people to secure and obtain the necessities of life; and,

Whereas, the Utilities of this State are now and have all the time, through the rates, rules and regulations promulgated by the Alabama Public Service Commission, collected same rates for their services and necessities of the people, in way of light, power, water, gas, telephone rentals and service, as during the years of prosperity of our people; and

Whereas, there have been no concrete efforts on the part of the Alabama Public Service Commission to enact, provide and require the Utilities of this State to sell their services and commodities to the masses of the people at a lower rate, notwithstanding the widespread suffering of the people of Alabama;

Now, therefore, Be it Resolved by the Senate, the House Concurring:

1—That it is the sense of the Senate and House of the Alabama Legislature that the people of Alabama are paying too high prices for lights, power, water, gas and telephone rentals and service;

2—The Senate and House urgently and earnestly call upon the Public Service Commission of Alabama to take immediate steps to lower existing rates for lights, power, water, gas and telephone rentals and services, now being charged and collected by the Utilities of this State through the rules and regulations now in vogue, adopted and approved by the Alabama Public Service Commission and which the people of Alabama are sorely oppressed to pay, notwithstanding, the Utilities of the State are collecting, in most instances, as large amount of revenue as they did in prosperous times.

Which was read and referred to the Standing Committee on Rules.

Mr. Teasley offered the following Senate resolution:

S. R. 27. Be it Resolved by the Senate, That the Secretary of the Senate is hereby authorized to appoint from time to time, not exceeding a maximum of 52 clerks, (excluding clerks of Committees and Senators, which shall consist of one clerk for each committee to be appointed by the Chairman of each committee, and one assistant clerk to be appointed by the chairman of the Finance and Taxation Committee, and six clerks appointed by Senators) as may be necessary to promptly and efficiently record the proceedings of the Senate.

Resolved further, That the per diem of all clerks and servants employed by the Senate, or its officers, including the Committee clerks, shall be reduced the same percentage as the clerks performing similar work in the House of Representatives.

Resolved further, That this resolution shall be effective on and from the 16th day of August, 1932.

And on motion of Mr. Teasley, the rules were suspended, the resolution put upon its immediate passage and adopted.

Yeas, 22; nays, 7.

Yeas:

Messrs.:

Bartlett	Duncan	Kelley	Mullins	
Beasley	Fletcher	Lapsley	Riddle	
Cooper	Garrett	McDaniel	Scruggs	
Cowart	Goodwin	McDowell	Teasley	
Craft	Hooton	Millsap	Warren	
Darden	Jordan			—22

Nays:

Messrs.:

Bonner	Hildreth	Shepherd	Wikle	
Delony	Powell	Walker		— 7

The Rules Committee also reported the following Senate resolution:

S. R. 28. Resolved by the Senate that the President of the Senate is hereby authorized to appoint two additional pages and one messenger for the Senate.

Resolved further that the per diem of the above pages and messenger shall date with and begin on August 16th, 1932.

And the resolution was put upon its immediate passage and adopted.

Yeas, 22; nays, 7.

Yeas:

Messrs.:

Bartlett	Duncan	Kelley	Mullins	
Beasley	Fletcher	Lapsley	Riddle	
Cooper	Garrett	McDaniel	Scruggs	
Cowart	Goodwin	McDowell	Teasley	
Craft	Hooton	Millsap	Warren	
Darden	Jordan			—22

Nays:

Messrs.:

Bonner	Hildreth	Shepherd	Wikle	
Delony	Powell	Walker		— 7

Mr. Hildreth offered the following Senate resolution:

S. R. 29. Be it Resolved by the Senate that when we adjourn to-day, we adjourn to meet again on Friday, August 26th, 1932, at ten o'clock, A.M.

And on motion of Mr. Hildreth, the rules were suspended and the resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Sossaman:

H. 35. To amend an act of the Legislature approved September 26, 1923 entitled "An Act to fix the compensation of members of the Courts of County Commissioners, Boards of Revenue, or other courts of like jurisdiction in this State, in counties which now have, or which may hereafter have, a population of ninety-six thousand and not exceeding one hundred fifty thousand people, according to the last federal census or any such census, which may hereafter be taken, for services actually performed by said officers, as members of the Boards of Revenue of said Counties, and to provide for the payment of such compensation," so as to have said Act affect counties which now or may have hereafter a population of not less than 96,000 and not exceeding 115,000 according to the last or any succeeding Federal Census.

Also:

By Mr. Sossaman:

H. 38. To repeal an Act of the Legislature of Alabama passed July 2, 1931 entitled "An Act providing in all counties in the State of Alabama now having or which may hereafter have a population according to the last Federal census of not less than one hundred thousand and not more than one hundred seventy-five thousand, for fees to attorneys appointed by the circuit judge or judges of such counties, to represent persons who have been indicted by the grand jury of such county for the commission of a crime, the maximum penalty for which, under the law, is death, the amount of such fees, and the mode of payment."

Also:

By Mr. Sossaman:

H. 39. To repeal an Act of the Legislature of Alabama passed June 16, 1931 entitled "An Act to provide for a Deputy County Treasurer in each County of the State, having a population of not less than one hundred thousand, and not more than three hundred thousand inhabitants, according to the last, or to any succeeding Federal census; and to provide the qualifications, appointment, term, duties, bond, and compensation of such Deputy County Treasurers."

Also:

By Mr. Sossaman:

H. 40. To repeal an Act of the Legislature of Alabama passed June 30, 1931 entitled "An Act to provide for and submit to the qualified electors of this State an amendment to the Constitution of

Alabama authorizing the governing authorities of the City of Mobile at any time and from time to time to call an election and submit to the qualified voters of said city a proposal or proposals to increase the limit upon the aggregate amount of ad valorem taxes that may be levied by said city in any one tax year for all purposes, beyond one and one tenth (1.1) per centum of the value of property therein as assessed for State taxation during the preceding year, by thereafter levying and collecting and to thereafter levy and collect, an additional tax or taxes on the property situated therein at not exceeding such rate as may be submitted in such proposal; and authorizing said city, after securing the approval thereof by a majority of the qualified electors of such city voting at any such election to thereafter annually levy and collect for the purpose or purposes specified in said proposal, an additional tax or taxes on the property situated therein at not exceeding such rate as shall have been approved at such election, and prescribing a limit upon the amount of ad valorem taxes that may be levied and collected by said city for all purposes, and ordering an election by the qualified voters of the State upon such proposed amendment, and fixing the time for holding such election."

Also:

By Mr. Sossaman:

H. 41. To repeal an Act of the Legislature of Alabama passed July 25, 1931 entitled "An Act to propose an amendment to the Constitution of Alabama to authorize Mobile County, through a commission to be appointed as shall be provided by the Legislature for that purpose, to purchase, build, or otherwise acquire and maintain and operate embankments, sea walls, and other protection against seas, waves, tides, storms and floods in the County of Mobile along or near the shores of said County which border upon tidal waters, and to purchase, build or otherwise acquire and maintain and operate all appurtenances and improvements of whatsoever nature necessary or useful thereto, including jetties, wharves, roads, boulevards, parks, ornamental lighting systems, buildings, and recreation facilities; to authorize Mobile County to issue bonds for such purposes; to provide for the payment of such bonds; to authorize a county excise license tax on the distribution of motor vehicle fuels and lubricating oils; to authorize said County to levy special assessments against property benefitted by such improvements; to authorize the allocation of State excise taxes on motor fuels, and State license taxes on motor vehicles, tractors, busses, trailers, and trucks to Mobile County for such purposes; to authorize the creation of a revolving fund to assure the payment of such bonds and the levy of taxes for the replenishment of such funds; to authorize the Legislature to adopt local Acts in furtherance of the purposes of said amendment; to ratify certain Acts adopted by the 1931 Alabama Legislature; and to provide for the submission of said amendment to the qualified electors of the State of Alabama.

Also:

By Mr. Sossaman:

H. 42. To repeal an Act of the Legislature of Alabama passed May 29, 1931 entitled "An Act to authorize cities and towns in this State having a population of more than sixty-seven thousand and under one hundred fifty thousand people, according to the last or any subsequent Federal census to impose, fix and require the payment of a license tax upon dealers engaged in selling non-intoxicating malt extract to consumers and to authorize such cities to require sworn reports of the amount of their sales by all such dealers and to prohibit the engaging in business by such dealers without the payment of such license and to fix and prescribe fines and penalties for doing business as such dealers without the payment of such license and/or for failure to make and file such reports and provide to what purpose the net proceeds of all such license taxes shall be devoted."

Also:

By Mr. Sossaman:

H. 43. To repeal an Act of the Legislature of Alabama approved July 20, 1931 entitled "An Act to authorize the County Commissioners, Board of Revenue, Board of Revenue and Road Commissions, or any board exercising such jurisdiction in any County in the State of Alabama, having a population of not less than one hundred and five thousand and not more than three hundred thousand according to the last Federal Census, or any succeeding Federal Census to levy and impose an excise tax of not more than five cents per gallon on all kerosene manufactured, distributed or sold by any person, firm or corporation in such County, and to provide for the payment and collection of such tax, to provide that all monies for such tax shall be paid into the County Treasury or County Depository, and to be used for road and bridge purposes only in such County; and further to provide for the enforcement of the act and fixing punishment and penalties for the violation of any of the provisions thereof."

Also:

By Mr. Taylor:

H. 48. To repeal an Act of the Legislature of Alabama passed June 30th, 1931 entitled "An Act to provide for and submit to the qualified electors of the State of Alabama an amendment to the Constitution of Alabama prescribing certain conditions under and the extent to and the purposes for which the City of Mobile may become indebted beyond the limit fixed by Section 225 of the Constitution and ordering an election by the qualified voters of the State upon such proposed amendment, and fixing the time for holding the said election."

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

House Bills 35, 38, 39, 42 and 43 to the Committee on Local Legislation.

House Bills 40, 41 and 48 to the Committee on Constitution, Constitutional Revision and Amendments.

Said bills, House bills 40, 41 and 48 were read a first time at length as required by the Constitution.

REPORT FROM RULES COMMITTEE

Mr. Powell, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the Senate with favorable report, to-wit:

H. J. R. 27. Extending an invitation to Governor Franklin D. Roosevelt of New York to include Muscle Shoals, Alabama, in his itinerary and deliver one of his campaign speeches at that point.

And on motion of Mr. Powell, the rules were suspended, the resolution put upon its immediate passage and adopted.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
Montgomery, Alabama.

Gentlemen:

I herewith send to you, for such action as you may see fit, the certificate of the Secretary of State that Messrs. Frank G. Blair, Richard A. Christian and Temple W. Tutwiler have been elected Members of the State Docks Commission since your last adjournment.

This is sent to you for your confirmation, or for such action as you may think proper.

Respectfully,

B. M. MILLER,
Governor.

August 24, 1932.

To the Senate of Alabama:

In accordance with Act. No. 1, Section 2 thereof, approved January 17, 1927, I, Pete B. Jarman, Jr., Secretary of State of the State of Alabama, do hereby certify that since the last session of the Legislature which was that of 1931, and which convened in January and adjourned in July, Messrs. Frank G. Blair and Richard A. Christian have been elected, i.e., on August 10, 1931, as members of the State Docks Commission, which election has been confirmed by the Governor pending the confirmation by the Senate. I further certify that on December 8, 1931, Temple W. Tutwiler of Birmingham was elected to succeed General William L. Sibert as Chairman of the State Docks Commission, which election was approved by Governor B. M. Miller, as further evidenced by the attached certificates covering the above elections signed by J. H. Bruce, Secretary-Treasurer, Alabama State Docks Commission.

I further certify that the above is transmitted to you for your confirmation or rejection as you see fit or proper.

This August 16, 1932.

Respectfully submitted,

PETE B. JARMAN, JR.,
Secretary of State of the State of Alabama,
Montgomery, Alabama,
August 10th, 1931.

"The failure of the Senate to act upon the election by the State Docks Commission of Mr. Frank G. Blair and Mr. Richard A. Christian as members of the Commission, resulted in two vacancies in said Commission.

The Governor and the remaining member of the Commission, in accordance with the law, filled these two vacancies on August 10th, 1931, by electing Frank G. Blair and Richard A. Christian to succeed themselves.

The Governor has confirmed this election, which confirmation will stand until the Senate convenes; at such time the Secretary of State will certify to the Senate the names of these members for confirmation or rejection."

I, J. H. Bruce, Secretary-Treasurer of the State Docks Commission of Alabama, hereby certify that I am the custodian of the records of said Commission; that the foregoing is a true extract from the minutes of the Commission meeting held on Monday, August 10th, 1931, at 2:30 P. M. in the office of the Governor in the Capitol Building.

Given under my hand this the tenth day of August, 1932.

J. H. BRUCE,
Secretary-Treasurer.

December 8th, 1931.

"Mr Blair stated: We recognize the fact that General Sibert's term of office expired on November 26th, 1931. However, he believes he is serving until his successor is elected. We, therefore, proceed to the election of this successor to complete the personnel of the Commission; and acting upon this, I move the election of Temple W. Tutwiler of Birmingham, Alabama. This motion was seconded and unanimously adopted, subject to the approval of the Governor."

I, J. H. Bruce, Secretary-Treasurer of the State Docks Commission of Alabama, hereby certify that I am the custodian of the records of said Commission; that the foregoing is a true extract from the minutes of the Commission meeting held on Tuesday, December 8th, 1931, at 9 A. M. in the office of the Commission.

Given under my hand this the tenth day of August, 1932.

J. H. BRUCE,
Secretary-Treasurer.

Governor Miller's approval of the above election on file in the State Docks Commission office.

GOVERNOR'S MESSAGE

On motion of Mr. Craft, the Senate confirmed the appointment by His Excellency, the Governor, of the following members of the State Docks Commission to-wit:

Hon. Temple W. Tutwiler of Birmingham, Chairman

Messrs. Frank G. Blair and Richard A. Christian, Associate members.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett

Bonner

Cowart

Darden

Beasley

Caffey

Craft

Delony

Duncan	Jordan	Millsap	Shepherd
Garrett	Kelley	Mullins	Walker
Goodwin	Lapsley	Powell	Warren
Hildreth	McDowell	Scruggs	Wikle
Hooton			

—25

MESSAGE FROM THE GOVERNOR

To the Senate and House of Representatives
Of the State of Alabama,
Montgomery, Alabama.

Gentlemen:

I herewith submit to the Legislature of Alabama a certified copy of a resolution from the Congress of the United States, transmitted to me as Governor by the Secretary of State of the United States, entitled,

"Joint Resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress".

This is transmitted to you for such action as to you may seem proper.
Respectfully,

B. M. MILLER,
Governor.

August 24, 1932.

GOVERNOR'S MESSAGE

The foregoing message from his Excellency, the Governor, was read a first time at length, as required by the Constitution, and referred to appropriate Standing Committee as follows:

To the Committee on Constitution and Constitutional Revision and Amendment.

BILLS ON THIRD READING

The bill:

S. 42. To repeal Article Forty-two, Industrial Section, Alabama Industrial Development Board—Sections 600-609, of the Code of laws pertaining to Agriculture and Industries and known as the Agricultural Code of Alabama, adopted by an Act of the Legislature, entitled "An Act to adopt the Code of laws for the State of Alabama prepared in accordance with the provisions of the Acts approved February 18th, 1927, (H. 273—Goode.) and which pertains to Agriculture and Industries and relating subjects which are administered by, concern or relate to the duties of the Commissioner of Agriculture, and to provide for the indexing, publication, sale and distribution of said Code, which is to be known as the Agricultural Code of Alabama," approved August 24, 1927.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett

Beasley

Bonner

Cooper

Cowart

Darden

Delony

Duncan

Farmér
Fletcher
Garrett
Goodwin

Hooton
Kelley
Lapsley
McDowell

Millsap
Mullins
Scruggs
Shepherd

Walker
Warren
Wikle

—23

The bill:

S. 41. To authorize the City of Florala, Alabama, to use certain school bond funds on deposit in the defunct First National Bank of Florala, Alabama, as or in the Nature of a Set-Off or Counter-claim against an Indebtedness owed by said City to said Bank.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Farmer
Faulk
Fletcher
Garrett
Goodwin
Hildreth

Hooton
Jordan
Kelley
Lapsley
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—33

The bill:

S. 25. Relating to the salary or compensation of officers or employees of the State, or of any department thereof whose compensation is paid out of State Treasury.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for said bill, to-wit:

Substitute for S. 25:

A BILL

To be entitled an Act relating to the salary or compensation of officers or employees of the State, or of any department thereof whose compensation is paid out of State Treasury.

Be it enacted by the Legislature of Alabama:

Section 1. That the salary of each and every officer and employee of the State or any department thereof who was receiving on January 1, 1932, more than \$1200.00 per annum, as compensation for services performed for the State as salary or compensation be, and the same is hereby reduced as follows:

Any officer or employee of the State of Alabama receiving \$12000.00 or more per annum shall be reduced 33⅓ per cent; any officer or employee of the State receiving \$10000.00, and less than \$12000.00 shall be reduced 32 per cent; any officer or employee of the State receiving \$8000.00, and less than \$10000.00 shall be reduced 30 per cent; any officer or employee of the State receiving

\$6000.00 and less than \$8000.00 shall be reduced 27½ per cent; any officer or employee of the State receiving \$4000.00 and less than \$6000.00 shall be reduced 25 per cent; any officer or employee of the State receiving \$1200.00 and less than \$4000.00 shall be reduced 22½ per cent; and any officer and employee of the State receiving \$1200.00 or less shall suffer no reduction. Provided no reduction made herein shall reduce the salary received by any officer or employee below a minimum of \$1200.00 per annum.

The above scale reduction shall apply to the pay roll as of January 1, 1931 and to any office created subsequent thereto.

Section 2. This Act shall take effect on the last day of the month in which it is passed, except as to those officers whose salaries, or compensation, cannot, under the Constitution, be diminished during the term for which they were elected or appointed. As to these officers, this Act shall become effective on the expiration of their present terms, and the salaries of their successors shall be the same as provided in Section 1 of this Act.

Section 3. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 4. If any part of this Act should be held to be unconstitutional, such holding shall not affect the validity of the remainder of said Act.

Mr. Hildreth offered the following amendment to said substitute to-wit:

Amend the substitute to Senate Bill No. 25 by adding to Section One thereof the following:

Provided however that Circuit Judges and Circuit Solicitors in Judicial Circuits of more than one county shall each receive the sum of One Hundred Dollars per annum for each county of their Judicial Circuit over and above one, the said additional allowance to be in reimbursement for their reasonable expenses while in attendance on court outside of their home county.

Which was adopted.

Mr. Powell offered the following amendment to said substitute to-wit:

Amend the substitute to Senate Bill 25 by striking out the following words

"any officer or employee of the State receiving \$1200.00 and less than \$4,000.00 shall be reduced 22½ percent;" and by inserting in lieu thereof the following words:

"any officer or employee of the State receiving \$2,000.00 and less than \$4,000.00 shall be reduced 20 per cent; any officer or employee of the State receiving \$1200.00 and less than \$2,000.00 shall be reduced 15 per cent;"

which was adopted.

Mr. Garrett offered the following amendment to said substitute to-wit:

Amend substitute to Senate Bill No. 25 by letting the scale of cutting salaries read as follows:

\$12,000 or more per annum.....	30%
\$10,000 and less than \$12,000.....	27½%
\$ 8,000 and less than \$10,000.....	25%
\$ 6,000 and less than \$ 8,000.....	22½%
\$ 5,000 and less than \$ 6,000.....	20%
\$ 4,000 and less than \$ 5,000.....	17½%
\$ 3,000 and less than \$ 4,000.....	15%
\$ 2,000 and less than \$ 3,000.....	12½%
\$ 1,000 and less than \$ 2,000.....	10%

And on motion of Mr. Bonner, said amendment was laid on the table.

And said substitute, as thus amended, was then adopted.

Yeas, 28; nays, 1.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Millsap
Beasley	Delony	Hooton	Mullins
Bonner	Duncan	Jordan	Powell
Caffey	Farmer	Kelley	Scruggs
Cooper	Fletcher	Lapsley	Shepherd
Cowart	Garrett	McDaniel	Walker
Craft	Goodwin	McDowell	Wikle

—28

Nay:—Mr. Riddle.

— 1

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 28; nays, 1.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Mullins
Beasley	Delony	Hooton	Powell
Bonner	Duncan	Jordan	Scruggs
Caffey	Farmer	Kelley	Shepherd
Cooper	Fletcher	Lapsley	Walker
Cowart	Garrett	McDaniel	Warren
Craft	Goodwin	McDowell	Wikle

—28

Nay:—Mr. Riddle.

— 1

The bill:

S. 44. To repeal Sections 906, 907, 908, 910, 911, 912, 913, 914, 915, 916, 917, 918, and 919, of Chapter 25, Article 9, of the Code of Alabama of 1923, relating to the Budget Commission.

Was taken up.

Mr. Kelley offered the following amendment to said bill to-wit:

Amend the title of said Senate Bill 44 and also Section One of said bill by adding the following words and figures, to-wit: "of the Code of Alabama of 1923 as amended by an act of the Legislature approved January 28, 1927 and also" immediately following the figures "906" wherever they appear together therein.

Which was adopted.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Jordan	Powell
Beasley	Farmer	Kelley	Teasley
Bonner	Garrett	Lapsley	Walker
Craft	Goodwin	McDaniel	Warren
Darden	Hildreth	McDowell	Wikle
Delony	Hooton	Mullins	

—23

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Jordan	Powell
Beasley	Farmer	Kelley	Shepherd
Bonner	Garrett	Lapsley	Teasley
Cowart	Goodwin	McDaniel	Walker
Craft	Hildreth	McDowell	Warren
Darden	Hooton	Mullins	Wikle
Delony			

—25

The bill:

S. 47. To amend Section 2107 of the Code of Alabama, 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Jordan	Riddle
Beasley	Farmer	Kelley	Scruggs
Bonner	Fletcher	Lapsley	Shepherd
Cowart	Garrett	McDaniel	Walker
Craft	Goodwin	McDowell	Warren
Darden	Hildreth	Mullins	Wikle
Delony	Hooton		

—26

MOTION TO RECALL LOST

Mr. Hooton moved that the bill:

S. 42. To repeal Article Forty-two, Industrial Section, Alabama Industrial Development Board—Sections 600-609, of the Code of laws pertaining to Agriculture and Industries and known as the Agricultural Code of Alabama, adopted by an Act of the

Legislature, entitled "An Act to adopt the Code of laws for the State of Alabama prepared in accordance with the provisions of the Acts approved February 18th, 1927, (H. 273—Goode.) and which pertains to Agriculture and Industries and relating subjects which are administered by, concern or relate to the duties of the Commissioner of Agriculture, and to provide for the indexing, publication, sale and distribution of said Code, which is to be known as the Agricultural Code of Alabama," approved August 24, 1927.

Passed by the Senate on the present Legislative Day and sent to the House without engrossment, be recalled by the Senate for further consideration, which motion was lost and the Senate refused to recall said bill.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your standing committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Fifth legislative day, and finds same correct and containing all original entries and references thereto required by the Constitution.

Hubert Farmer, Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and on motion of Mr. Farmer, said report was concurred in and the Journal of the Senate for the Fifth legislative day approved by the Senate.

ADJOURNMENT

At 5:10 P. M., on motion of Mr. Jordan, and pursuant to resolution heretofore adopted, the Senate adjourned until Friday, August 26, 1932, at 10:00 A. M.

SIXTH DAY

Friday, August 26th, 1932.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill, presiding.

PRAYER

Prayer by Rev. Edward G. Mackay, of Montgomery.

ROLL CALL

Present:

Messrs.:			
Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Farmer	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

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JOURNAL

On motion of Mr. Farmer, the reading of the Journal of yesterday was dispensed with and the same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Fletcher:

S. 87. To provide for a state budget system and the transmission of a budget to the Legislature; to establish financial control over all state financial operations; to centralize disbursements of all state funds; to vest in the Governor a direct and effective supervision of all departments and establishments and every state agency by whatever name now or hereafter called; to require the Governor to initiate, prepare and maintain a balanced budget; to establish a uniform fiscal year for all state departments and establishments; to establish regulations with reference to appropriations; to prohibit the submission of estimates by departments direct to the Legislature; to provide that appropriations shall not be made available for expenditure until allotted by the Governor; to declare that appropriations now or hereafter made are to be maximum, conditional and proportionate appropriations; to direct and require that the Governor so administer this act as to prevent any overdrafts or deficits in any fiscal year; to direct that all departmental receipts other than private trust funds shall be deposited in the State Treasury and be not available for expenditure until allotted by the Governor; to direct that all unencumbered balances of administra-

tion, operation and maintenance appropriations shall revert to the State Treasury at the end of each fiscal year; to provide that appropriations for capital expenditures for the purchase of land or the erection of buildings or new construction shall continue in force until the attainment of the object or the completion of the work for which such appropriations are made; to repeal all laws making permanent appropriations, definite and indefinite in amount, heretofore made to any State department, institution and establishment; to authorize transfers of appropriations; to vest investigatory powers in the Governor and the proposed State Comptroller; to create the office of State Comptroller; to define the powers and duties of the State Comptroller; to transfer the Department of Examiners of Accounts to the Office of State Comptroller; to relieve the State Auditor of certain accounting and auditing duties; to relieve the State Board of Administration of certain accounting and auditing duties, of all purchasing duties, of the duties of keeping inventories and the sale of furniture or fixtures, and the care and custody of State property as required in Sections 42 to 51, both inclusive, of the Code of 1923, or by any other provision of law, of administering the State insurance and State Insurance Fund, and advertising for and letting contracts for public printing; to abolish the State Budget Commission; to authorize transfers of appropriations to pay salaries of State Comptroller and Accounting and clerical assistants; to make an appropriation for printing, installation expenses and operating supplies of State Comptroller's Office; to repeal all code sections and all acts or parts of acts in conflict with this act; and to fix penalties and punishments for violations of this act.

Committee on Finance and Taxation.

By Mr. Fletcher:

S. 88. To redefine the duties of the State Auditor; to relieve the State Auditor of certain duties now imposed by law; to transfer certain of such duties as are now by law required of the State Auditor to the state Tax Commission, and/or State Commission of Forestry and/or the Office of State Comptroller.

Committee on Finance and Taxation.

By Mr. Cowart:

S. 89. To amend a local Act of the Legislature of Alabama for Winston County approved Feb. 11, 1927, and found on page 23 of Local Acts 1927, by amending Section 4, thereof, as to regulate or fix the salary of the County Superintendent of Education not to exceed \$2000.00 per annum; also provide for office help, if any, not to exceed one employee and salary therefor.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that an application will be made to the Legislature of Alabama at the special or call session for the year 1932 for the passage of a local act for Winston county, which act is in substance as follows:

AN ACT

To amend a local act of the Legislature of Alabama for Winston County approved February 11, 1927, by amending section 4, thereof, so as to regulate or fix the salary of the County Superintendent of Education not to exceed \$2000.00 per annum; also to provide for office help, if any, not to exceed one employee and salary therefor.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

That section 4 of Local Acts 1927 page 23 be amended so as to read as follows: Such County Superintendent of Education shall devote his entire time to the public school business of Winston county, and shall receive such compensation as the County Board of Education shall fix, which shall not be less than Twelve Hundred Dollars nor more than Two-Thousand Dollars annually, and shall be paid at the time and in the manner provided by the General Laws of this State for the payment of salaries of County Superintendents of Education. The County Board of Education of Winston county shall determine the amount of office help, if any, not to exceed one employee to the county superintendent of education of Winston county, and at a salary not to exceed Sixty five dollars per month, the same to be paid at the time and in the manner provided by the general laws of such state for the payment of such office help.

That all laws and parts of laws in conflict with the provisions of this Act in so far as the same relates to Winston county be and the same is hereby repealed, and that this Act shall be in force and effect from and after July 1st, 1933, and its approval by the Governor.

B. J. COWART.

PUBLISHER'S AFFIDAVIT.

The State of Alabama, }
Winston County. }

I, Geo. W. Adkins, publisher of The Winston Herald, a weekly newspaper of general circulation published at Double Springs, in Winston County, Ala., do hereby certify that the notice of intention to make application for passage of Local Act amending Local Act fixing salary of Co. Supt. of Education of Winston Co., Ala. (copy attached) has been published in the above named newspaper for four regular successive weekly issues prior to date viz: in the issues bearing the following dates: July 29th and Aug. 5th, 12th, and 19th, 1932.

This Aug. 22, 1932.

GEO. W. ADKINS, Publisher Herald.

Sworn to and subscribed before me, this Aug. 22, 1932.

C. F. GILBREATH,
Notary Public.

By Mr. Walker:

S. 90. To amend Schedule 52 of an Act to provide for the general revenues of the State of Alabama approved September 15, 1919.

Committee on Finance and Taxation.

By Mr. Teasley:

S. 91. To amend Section 3991 of the Code of Alabama of 1923.

Committee on Judiciary.

By Mr. Hildreth:

S. 92. To amend Section 8089 of the Code of Alabama of 1923.
Committee on Judiciary.

By Mr. Hildreth:

S. 93. To repeal Section 8092 of the Code of Alabama of 1923.
Committee on Judiciary.

By Mr. Darden:

S. 94. To repeal Sections 44, 45, 46, 47, 48, 49, 50, 51 and 52 of an act in reference to and to further provide for the general revenue of the State of Alabama approved July 22, 1927.

Committee on Finance and Taxation.

By Mr. Scruggs:

S. 95. To repeal "an act to advance the cause of education by exempting from taxation in this State all property, real and personal, by whomsoever owned, and whether assessed or not, during the entire time, including the current tax year, the net income, rents and returns from which are used, or are to be used, exclusively for educational purposes in the State of Alabama other than for schools owned or controlled by any religious sect or denomination," approved September 9, 1927.

Committee on Finance and Taxation.

By Mr. Hildreth:

S. 96. To amend Section 2216 of the Code of Alabama as amended by Act of the Legislature of 1927, approved September 10, 1927.

Committee on Judiciary.

By Mr. Bartlett:

S. 97. To amend Section 10471 of the Code of Alabama.

Committee on Judiciary.

REPORT OF COMMITTEE

Mr. Hildreth, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Miller:

H. 55. To propose an amendment to the Constitution of Alabama to be known as "Article XXIII" authorizing the State to issue and sell negotiable interest bearing bonds in an amount not to exceed Twenty Million Dollars (\$20,000,000.00) in addition to all other bonds of the State; to provide that such bonds shall be free from taxes; to provide that such bonds shall be the general obligation of the State and to provide for a sinking fund to pay the interest and principal. And to authorize the Governor of Alabama to borrow an amount, or amounts, not in excess of Twenty Million Dollars to pay the indebtedness of the State outstanding on Sep-

tember 30, 1932, and to pledge the bonds herein authorized as collateral security for the amount, or amounts, so borrowed and to use the interest coupons on said bonds in payment of interest.

The above bill was read a second time at length, as required by the Constitution.

By Mr. Goode:

H. 74. To propose an amendment to the Constitution of Alabama to be known as "Article XXII," authorizing the Legislature to levy an income tax for the calendar year, 1932, and for each year thereafter; to provide that income shall not be considered property for tax purposes, and to provide that the Legislature shall reduce the ad valorem tax when the revenue derived from an income tax will justify.

The above bill was read a second time at length, as required by the Constitution.

ORDER TO PRINT

On motion of Mr. Fletcher, 500 copies of the bill:

S. 87. To provide for a state budget system and the transmission of a budget to the Legislature; to establish financial control over all state financial operations; to centralize disbursements of all state funds; to vest in the Governor a direct and effective supervision of all departments and establishments and every state agency by whatever name now or hereafter called; to require the Governor to initiate, prepare and maintain a balanced budget; to establish a uniform fiscal year for all state departments and establishments; to establish regulations with reference to appropriations; to prohibit the submission of estimates by departments direct to the Legislature; to provide that appropriations shall not be made available for expenditure until allotted by the Governor; to declare that appropriations now or hereafter made are to be maximum, conditional and proportionate appropriations; to direct and require that the Governor so administer this act as to prevent any overdrafts or deficits in any fiscal year; to direct that all departmental receipts other than private trust funds shall be deposited in the State Treasury and be not available for expenditure until allotted by the Governor; to direct that all unencumbered balances of administration, operation and maintenance appropriations shall revert to the State Treasury at the end of each fiscal year; to provide that appropriations for capital expenditures for the purchase of land or the erection of buildings or new construction shall continue in force until the attainment of the object or the completion of the work for which such appropriations are made; to repeal all laws making permanent appropriations, definite and indefinite in amount, heretofore made to any state department, institution and establishment; to authorize transfers of appropriations; to vest investigatory powers in the Governor and the proposed State Comptroller; to create

Were ordered printed for use of the Senate.

Mr. Lapsley offered the following Joint Resolution:

BE IT RESOLVED by the Legislature of Alabama that each of such State officers be, and he is hereby invited and requested to file in the office of the State Auditor a certificate signed by him in substance as follows:

I do hereby expressly release the State of Alabama, as well as any of its officers, from any and all obligation or liability for the amount of such deduction.

(Signature)

(Style of Office)

Section 2. All such certificates shall be filed within twenty days after the approval of this resolution by the Governor of Alabama; and shall become a lawful release according to the terms of such certificate as to each officer filing the same; and shall continue effective until the meeting of the next session of the State Legislature. Provided, at any earlier date, when, in the opinion of the Governor the reasonable necessity for such voluntary reduction in salaries has passed, he may issue his proclamation to that effect, and upon filing a copy of such proclamation in the office of the State Auditor such certificate shall expire and be no more effective.

Section 3. Immediately after the expiration of said twenty days, the State Auditor shall furnish to the Governor a certified list of the names of all officers who have filed such certificates, showing the offices held by them respectively; and shall also furnish the Governor a certified list of names, and style of office, of all State officers within the terms of this resolution who shall have failed to file such certificate. The Governor shall promptly submit both lists to the Legislature with a message, recommending such legislative action, or constitutional revision, as he may deem advisable to effect an equitable adjustment of salaries and reduction of the cost of government.

This resolution shall not be construed as any committal of this Legislature not to abolish any office of legislative creation.

Which was read and referred to the Standing Committee on Rules.

Mr. Teasley offered the following Senate Resolution:

S. R. 31. Whereas, there is now pending in the Senate, Senate Bill No. 51 which is of great importance to the Public School System of Alabama, and the constitutionality of the bill should be beyond question.

Therefore, be it resolved by the Senate, that the Justices of the Supreme Court of Alabama or a majority thereof are hereby requested to render to this body their written opinion, as provided under Section 10290 of the Code of Alabama, as to whether said Act violates the following Sections of the Constitution of Alabama, viz:

Section 45, relating to the title.

Section 72, relating to money to be paid out of the Treasury.

Section 93, as twice amended, relating to the State's engaging in internal works, or lending money or credit in aid of such.

Section 94, similar to the above.

Section 106, and 110, relating to special or private laws.

Section 229, relating to special or private corporations created by the Legislature.

Amendments 20-A and 1, amending Section 93 of the Constitution, relating to the State's engaging in corporate enterprises or lending money and credit.

Section 213, prohibiting the creation of new debts.

Sections 256 and 260 relating to public school funds.

Section 261, relating to payment of teachers.

Section 262, giving supervision to Superintendent of Education.

Amendment XIX, three mill tax.

And on motion of Mr. Teasley, the rules were suspended, the Resolution put upon its immediate passage and adopted.

Mr. Hildreth offered the following Resolution:

S. J. R. 32. Be it resolved by the Senate, the House concurring, that when the two houses adjourn to-day, they adjourn to meet again at 11 A. M., on Tuesday, August 30th, 1932.

And on motion of Mr. Hildreth the rules were suspended and the Resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 34. To make an appropriation of One Hundred Thousand (\$100,000.00) Dollars or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated to defray the expenses of the present extraordinary session of the Legislature.

And returns same herewith to the Senate.

J. H. Stewart, Clerk.

HOUSE MESSAGE

On motion of Mr. Teasley, the Senate concurred in the following amendment by the House to S. 34, the title of which is set out in the foregoing message from the House, to-wit:

Substitute by Mr. Miller for Senate bill 34:

A BILL

To be entitled An Act to make an appropriation of Two Hundred and Fifty Thousand (\$250,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present Extraordinary Session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of Two Hundred and Fifty Thousand (\$250,000.00) Dollars, or so much thereof as may be necessary, to defray the expenses of the present Extraordinary Session of the Legislature.

Yeas, 31; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hooton	Riddle
Beasley	Delony	Kelley	Scruggs
Bonner	Duncan	Lapsley	Shepherd
Brown	Farmer	McDaniel	Teasley
Caffey	Faulk	McDowell	Walker
Cooper	Garrett	Millsap	Warren
Cowart	Goodwin	Mullins	Wikle
Craft	Hildreth	Powell	

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CALENDAR BILL RE-REFERRED

On motion of Mr. Darden, the bill:

S. 53. To amend Section 9606 of the 1923 Code of Alabama.

Was taken from to-day's calendar and re-referred by the President of the Senate to the Standing Committee on Judiciary.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 34. To make an appropriation of Two Hundred and Fifty Thousand (\$250,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present extraordinary session of the Legislature.

T. A. Goodwyn,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing Report of Committee on Enrolled Bills.

BILLS ON THIRD READING

The bill:

S. 65. Making the purchase, or receiving for sale, or in pledge, or on storage, or for safe keeping from unauthorized persons of railroad equipment or of articles of iron, brass, or other metal manufactured exclusively for railroad purposes a misdemeanor and prescribing the penalty therefor, and providing what shall constitute prima facie evidence of this act.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hooton	Mullins
Beasley	Farmer	Kelley	Powell
Bonner	Faulk	Lapsley	Riddle
Brown	Garrett	McDaniel	Walker
Caffey	Goodwin	McDowell	Warren
Darden	Hildreth	Millsap	Wikle

—24

The bill:

S. 39. To establish an inferior court in Precinct 36 in Dallas County, Alabama, in lieu of all justices of the peace, and notaries public with powers of justices of the peace, in said precinct, to be known as "The Court of Common Pleas of Selma,"; and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of the judge thereof; to provide for the execution of the process of said court, the issuance of certificates of judgment and the operation thereof; to regulate the procedure in said court, and the appeals therefrom; to provide for the appointment or election of the judge of said court; to fix the qualifications and compensation of said judge and the mode of his election, and term of office; to provide for the payment of the salary of the Judge and the expenses of said court; to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct; to provide for the transfer to said court of all causes pending in the justice of the peace courts in said precinct; to provide that the judge of said court may practice law; to provide for the payment of salaries of the Sheriff and Deputy Solicitor of said County for services rendered said Court; and to fix the costs and fees, and provide for the disposition of costs, fees, fines and forfeitures in said court.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Farmer	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffer	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden			

—33

The bill:

S. 78. To provide that all liens now or hereafter acquired by cities and towns in this State for public improvements under the general laws of this State shall continue until the same are paid or satisfied in full.

Was taken up.

The Standing Committee on Judiciary reported the following amendment to said bill to-wit:

Amend S. 78 by adding after Section 1 thereof the following: "Provided, however, that such liens shall not be continued in force for more than five years in addition to the limitation now provided by law."

Which was adopted.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Farmer	Jordan	Scruggs
Beasley	Faulk	Lapsley	Shepherd
Brown	Garrett	Millsap	Teasley
Caffey	Goodwin	Mullins	Walker
Darden	Hildreth	Powell	Warren
Delony	Hooton	Riddle	Wikle
Duncan			

—25

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Jordan	Riddle
Beasley	Duncan	McDaniel	Scruggs
Bonner	Garrett	McDowell	Teasley
Brown	Goodwin	Millsap	Walker
Caffey	Hildreth	Mullins	Warren
Darden	Hooton	Powell	Wikle

—24

The bill:

S. 57. To amend Section 9609 of the 1923 Code of Alabama.

Was taken up.

Mr. Hildreth offered the following amendment to said bill to-wit:

Amend Senate Bill No. 57 by adding thereto the following:

Provided, however, that the provisions hereof shall not apply to or affect the qualifications of the present members of said Commission during their present term of office.

Which was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Kelley	Riddle
Bonner	Farmer	Lapsley	Scruggs
Brown	Fletcher	McDowell	Shepherd
Caffey	Garrett	Millsap	Walker
Craft	Hildreth	Mullins	Warren
Darden	Hooton	Powell	Wikle
Delony	Jordan		

—26

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hubbard	Powell
Beasley	Delony	Kelley	Scruggs
Bonner	Duncan	Lapsley	Shepherd
Brown	Farmer	McDaniel	Teasley
Caffey	Garrett	McDowell	Walker
Cowart	Hildreth	Millsap	Warren
Craft	Hooton	Mullins	

—27

The bill:

S. 55. To amend Section 9612 of the 1923 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays, 1.

Yeas:

Messrs.:

Bartlett	Craft	Goodwin	Millsap
Beasley	Darden	Hooton	Mullins
Bonner	Delony	Hubbard	Powell
Brown	Duncan	Lapsley	Scruggs
Caffey	Farmer	McDaniel	Walker
Cooper	Garrett	McDowell	Warren
Cowart			

—25

Nays: Mr. Kelley

—1

The bill:

S. 31. To amend Section 5076 of the 1923 Code of Alabama.

Was taken up.

The Standing Committee on Judiciary reported the following substitute for said bill to-wit:

A BILL

To be entitled An Act to amend Section 5076 of the 1923 Code of Alabama.

Be it enacted by the Legislature of Alabama:

That Section 5076 of the 1923 Code of Alabama be and the same is hereby amended so as to read as follows:

1. 5076. Letting contracts to relatives or employing relatives of any member of Commissioners' Court, Board of Revenue or other governing body of the several counties of this State; penalty for.—Any member of any Commissioners' Court, Board of Revenue or other governing body of the several counties of this State, who shall award any contract in which the county of said Commissioners, member of Board of Revenue or other governing body, or any member thereof, of any county in this State is interested to

any person related, either by blood or marriage, within the fourth degree to any member of such Commissioners' Court or Board of Revenue or other governing body of the several counties of this State; or any member of the Commissioners' Court, Board of Revenue or of any other governing body of the several counties of this State who shall knowingly employ any relative of any member of such Commissioners' Court, Board of Revenue or member of any other governing body of the several counties of this State to do any work for said county, or to act as agent for such for any such member any work in which such county is interested shall be guilty of a misdemeanor, and on conviction, shall be fined not less than Fifty nor more than Five Hundred Dollars. All contracts made in violation of this section shall be null and void.

The provisions of this act shall go into effect immediately upon its approval by the Governor, the public good requiring it.

Which was adopted.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Goodwin	Millsap
Beasley	Delony	Hooton	Mullins
Bonner	Duncan	Hubbard	Scruggs
Caffey	Farmer	Jordan	Teasley
Cooper	Faulk	Kelley	Warren
Cowart	Garrett	Lapsley	Wikle
Craft			

—25

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Goodwin	Millsap
Beasley	Delony	Hooton	Mullins
Bonner	Duncan	Jordan	Scruggs
Caffey	Farmer	Kelley	Teasley
Cooper	Faulk	McDaniel	Warren
Cowart	Garrett	McDowell	Wikle
Craft			

—25

The bill, S. 69:

A BILL

To be entitled An Act to propose an amendment to the Constitution of Alabama to be known as "Article XXIV", exempting from State, County and Municipal ad valorem taxation and from levy and sale for taxes the homestead of every resident of this state, to be selected by him or her, with the improvements and appurtenances, not exceeding in value Two Thousand (\$2000.00) Dollars and in area 160 Acres to the extent of any interest which he or she

may have therein and to require the Legislature to provide funds to the several counties of the state to cover all losses that said county may sustain in their revenue by reason of the adoption of this amendment.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the state of Alabama upon the proposed amendment and the day hereby appointed for such election is the 8th day of November, 1932, this being the date of the general election next succeeding the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

ARTICLE XXIV. There shall, from and after the tax year ending September 30, 1935, be exempt from State, County and Municipal ad valorem taxation and from levy and sale for taxes the following property:

The homestead of every resident of this State to be selected by him or her with the improvements and appurtenances not exceeding in value \$2000.00 and in area 160 acres, to the extent of any interest which he or she may have therein, whether a fee, or less estate, or whether held in common or in severalty, during his or her occupancy. The area of the homestead shall not be enlarged by reason of any lien or encumbrance thereon, and should there be any encumbrance or lien on said homestead, the exemption in the property shall nevertheless not exceed \$2000.00.

The legislature shall provide funds to the several counties of the State sufficient to cover all losses that said counties may sustain in their revenue by reason of the adoption of this amendment to the Constitution.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor which shall be published in one newspaper in every county of the State, once a week for at least eight successive weeks next preceding the day appointed for such election.

Section 3. At the election hereby ordered to be held, as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz:

Shall the following be adopted as an amendment to the Constitution of Alabama?

ARTICLE XXIV. There shall, from and after the tax year ending in October, 1935, be exempt from State, County and Municipal ad valorem taxation, and from levy and sale for taxes the following property:

The homestead of every resident of this State to be selected by him or her, with the improvements and appurtenances not exceeding in value \$2000.00 and in area 160 acres, to the extent of any

interest which he or she may have therein, whether a fee, or less estate, or whether held in common or in severalty, during his or her occupancy. The area of the homestead shall not be enlarged by reason of any lien or encumbrance thereon, and should there be any encumbrance or lien on said homestead, the exemption in the property shall nevertheless not exceed \$2000.00.

The Legislature shall provide funds to the several counties of the State sufficient to cover all losses that said counties may sustain in their revenue by reason of the adoption of this amendment to the Constitution. (Yes-----) (No-----)."

Section 4. The officers of the General Election shall open a poll for the vote of the qualified electors upon the proposed amendment.

Section 5. The votes cast at such election shall be canvasses, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was taken up.

Mr. Farmer offered the following substitute for said bill, to-wit: Substitute Senate Bill No. 69, so as to read as follows:

"A BILL

To be entitled An Act to propose an amendment to the Constitution of Alabama to be known as 'Article XXIV', exempting from State ad valorem taxation and from levy and sale for State ad valorem taxes, the homestead of every resident of this State, the same to be selected by him or her, with the improvements and appurtenances not exceeding in value Two Thousand Dollars, (\$2000.00) and in area One Hundred Sixty (160) acres, to the extent of any interest which he or she may have therein, and to provide the time and manner such amendment shall go into effect.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is the 8th day of November, 1932, this being the date of the general election next succeeding the session of the Legislature at which this amendment is proposed, the proposed amendment being as follows:

ARTICLE XXIV. Subject to the provision hereinafter named, there shall be exempt from State ad valorem taxation and from levy and sale for State ad valorem taxes, from and after the tax year ending September 30, 1934, the following property:

The homestead of every resident of this State, to be selected by him or her, with the improvements and appurtenances not exceeding in value Two Thousand Dollars, (\$2000.00), and in area One Hundred Sixty (160) acres, to the extent of any interest which he or she may have therein, whether a fee, or less estate, or whether held in common or in severalty, during his or her occupancy. The area of the homestead shall not be enlarged by reason of any lien or encumbrance thereon, and should there be any lien or encumbrance on said homestead, the exemption in the property shall nevertheless not exceed Two Thousand Dollars, (\$2000.00).

It is hereby provided, however, that the amendment as herein proposed shall not be effective unless the proposed Income Tax Amendment to be voted on, at the general election to be held on the 8th day of November, 1932, is adopted by the qualified electors of this State.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor which shall be published in one newspaper in every county of the State, once a week for at least Eight (8) successive weeks next preceding the day appointed for such election.

Section 3. At the election hereby ordered to be held, as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz:

Shall the following be adopted as an amendment to the Constitution of Alabama:

'ARTICLE XXIV. Subject to the provision hereinafter named, there shall be exempt from State ad valorem taxation and from levy and sale for State ad valorem taxes, from and after the tax year ending September 30, 1934, the following property:

The homestead of every resident of this State, to be selected by him or her, with the improvements and appurtenances not exceeding in value Two Thousand Dollars, (\$2000.00), and in area One Hundred Sixty (160) acres, to the extent of any interest which he or she may have therein, whether a fee, or less estate, or whether held in common or in severalty, during his or her occupancy. The area of the homestead shall not be enlarged by reason of any lien or encumbrance thereon, and should there be any lien or encumbrance on said homestead, the exemption in the property shall nevertheless not exceed Two Thousand Dollars, (\$2000.00).

It is hereby provided however, that the amendment as herein proposed shall not be effective unless the proposed Income Tax Amendment to be voted on at the general election to be held on the 8th day of November, 1932, is adopted by the qualified electors of this State. (Yes.....) (No.....).

Section 4. The officers of the said General Election shall open a poll for the vote of the qualified electors of this State upon the proposed amendment.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Mr. Teasley moved that the pending bill and substitute be indefinitely postponed.

Mr. Riddle moved that the motion of Mr. Teasley be laid on the table, which motion prevailed.

Yeas, 27; nays, 6.

Yeas:

Messrs.:			
Bartlett	Craft	Hildreth	Mullins
Beasley	Darden	Hooton	Powell
Bonner	Delony	Jordan	Riddle
Brown	Duncan	Kelley	Scruggs
Caffey	Farmer	McDaniel	Shepherd
Cooper	Faulk	McDowell	Warren
Cowart	Goodwin	Millsap	

—27

Nays:

Messrs.:			
Fletcher	Lapsley	Walker	Wikle
Hubbard	Teasley		

—6

And said substitute offered by Mr. Farmer was then adopted.

Yeas, 31; nays, 3.

Yeas:

Messrs.:			
Bartlett	Darden	Jordan	Riddle
Beasley	Delony	Kelley	Scruggs
Bonner	Farmer	Lapsley	Shepherd
Brown	Fletcher	McDaniel	Teasley
Caffey	Garrett	McDowell	Walker
Cooper	Goodwin	Millsap	Warren
Cowart	Hildreth	Mullins	Wikle
Craft	Hubbard	Powell	

—31

Nays: Messrs. Duncan, Faulk and Hooton —3

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment:

Yeas, 28; nays, 6.

Yeas:

Messrs.:			
Bartlett	Caffey	Darden	Faulk
Beasley	Cooper	Delony	Garrett
Bonner	Cowart	Duncan	Goodwin
Brown	Craft	Farmer	Hildreth

Hooton
Hubbard
Kelley

McDaniel
McDowell
Millsap

Mullins
Riddle
Scruggs

Shepherd
Walker
Warren

—28

Nays:

Messrs.:

Fletcher
Jordan

Lapsley
Powell

Teasley

Wikle

—6

The bill:

S. 74. To abolish "The Dallas County Court" and to provide for the transfer and disposition of the cases and records of said court, and of the balance of any money arising therefrom, after the payment of all just claims against said county court fund.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Farmer
Faulk
Fletcher
Garrett
Goodwin
Hildreth
Hooton

Hubbard
Jordan
Kelley
Lapsley
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—34

The bill:

S. 80. To provide for the special relief of Lucia Jones and George W. Vanhooose, to authorize, empower and direct the Probate Judge of Tuscaloosa County, Alabama, and the custodian of the fiduciary funds of said county to pay to the said Lucia Jones and George W. Vanhooose out of the fiduciary funds paid or transferred to the treasury of said County by the register of the Circuit Court of said County on the 9th day of October, 1930, the sum of \$1600.13 upon condition that the said Lucia Jones and George W. Vanhooose first enter into bond to secure against loss as a result of such payment any and every person who within ten years from October 9th of 1930, proves himself or herself legally entitled to any part of said funds in the manner provided for in Section 10466 of the Code of Alabama, of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner

Brown
Caffey
Cooper

Coward
Craft
Darden

Delony
Duncan
Farmer

Faulk	Hubbard	Millsap	Shepherd
Fletcher	Jordan	Mullins	Teasley
Garrett	Kelley	Powell	Walker
Goodwin	Lapsley	Riddle	Warren
Hildreth	McDaniel	Scruggs	Wikle
Hooton	McDowell		

—34

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and sends same herewith to the Senate:

By Mr. Williams:

H. 8. To submit to the qualified voters of the State of Alabama at the general election to be held on the first Tuesday after the first Monday of November 1932, for their consideration, an amendment to the Constitution of the State, fixing the salaries and compensations and allowances to be paid to the Judge of Probate, the Tax Assessor, and the Tax Collector of Calhoun County, requiring the said officers to cover the fees collected by them into the county treasury of Calhoun County, and authorizing and empowering the Legislature thereafter to fix and regulate and alter the costs, charges, and fees and salaries of such officers, together with other officers of said County, including the method and basis of their compensation.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, viz: commencing at the beginning of their next term of office subsequent to the general election to be held on the first Tuesday after the first Monday of November 1932, the compensation and allowances of the following named officers of Calhoun County shall be as follows: Salary of Judge of Probate of Calhoun County \$5,000.00 per year net; allowance of \$3600.00 per annum for office expense as follows: one clerk at \$1,500.00 per annum; one clerk at \$1,200.00 per annum; one clerk at \$900.00 per annum. The Tax Assessor of Calhoun County shall receive a salary of \$4,000.00 per year net; allowance of \$1,200.00 per year for one clerk, and \$800.00 per annum for extra help. The Tax Collector of Calhoun County shall receive a salary of \$4,000.00 per year net; allowance of \$1,200.00 per year for one clerk, and \$300.00 per annum for extra help. Payment for clerk and extra help shall be made by the County Treasurer upon an order signed by the officer in whose office the clerk and extra help was employed, directing to whom any amounts shall be paid. The above named amounts shall be in lieu of all compensations and allowances to the respective named officers, and to all compensation and allowances that may be hereafter allowed said officers. These amounts shall be paid out of the county treasury of Calhoun County monthly as the salaries of other

county officers are paid. The above named officers shall collect the fees heretofore collected by them, or which may hereafter be collected by them, and shall cover such fees into the county treasury on the first day of each month. The Board of Revenue of Calhoun County shall provide said officers with necessary quarters, books, stationery, and other conveniences. The Legislature of Alabama may hereafter from time to time by local laws fix, regulate and alter the amount of the above named salaries and allowances, including the method and basis of their compensation; also fix, regulate and alter amount of compensation received by all the other County officers of said County.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each County in the State, at least eight consecutive weeks, next preceding the general election in November 1932, of the election on the amendment proposed by this act, to be submitted to the qualified voters of the State, for their consideration, together with the proposed amendment.

Section 3. That at the general election in November 1932, an election shall be held for the vote of the qualified electors of the State upon the proposed amendment. Upon the ballots used in such election shall be printed the following: "Amendment to the Constitution, fixing the compensations and allowances of the following named County officers of Calhoun County, commencing at the beginning of their next term of office, subsequent to the general election in November 1932, as follows: Salary of Judge of Probate of Calhoun County \$5,000.00 per year net; allowance of \$3600.00 per annum for office expenses as follows: one clerk at \$1,500.00 per annum; one clerk at \$1,200.00 per annum; one clerk at \$900.00 per annum. Salary of Tax Assessor of Calhoun County \$4,000.00 per year net; allowance of \$1,200.00 per year for one clerk; and \$800.00 per year for extra help. Salary of Tax Collector of Calhoun County \$4,000.00 per year net; allowance of \$1200.00 per year for one clerk, and \$300.00 per year for extra help.

Payment for clerks and extra help shall be made by the County Treasurer upon an order signed by the officer, in whose office the clerks and extra help was employed, directing to whom any amounts shall be paid. The above named amounts shall be in lieu of all compensation and allowances to the respective named officers, and to all compensation and allowances that may be hereafter allowed said officer. These amounts shall be paid out of the County Treasury of Calhoun County monthly as the salaries of other County officers are paid. The above named officers shall collect the fees heretofore collected by them, or which may hereafter be collected by them, and shall cover such fees into the County Treasury on the first day of each month. The Board of Revenue of Calhoun County shall provide said officers with necessary quarters, books, stationery, and other conveniences. The Legislature of Alabama may

hereafter from time to time by local laws fix, regulate, and alter the amount of the above named salaries and allowances, including the method and basis of their compensation; also fix, regulate, and alter amount of compensation received by all the other officers of said county." Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by the cross mark by him opposite the word expressing his desire.

Section 4. The officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes thereat shall be canvassed, tabulated, and the returns thereof made to the Secretary of State, and counted, in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once at length, as required by the Constitution, and referred to appropriate Standing Committee as follows:

H. 8, to the Committee on Constitution and Constitutional Revision and Amendments.

CALENDAR BILL, RE-REFERRED

On motion of Mr. Walker, the bill:

S. 46. To amend Section 50 of an Act of the Legislature of Alabama, approved September 10, 1927, and entitled "An Act to provide a Code of laws defining the powers of municipal corporations in this State with respect to the construction and maintenance of public improvements and betterments and the assessment of the whole or any part of the cost thereof against the abutting property, or property specially benefited or increased in value by reason of such improvements, and amending sections 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2236, 2237, of the Code of Alabama of 1923; and repealing Sections

2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235 of said Code; and to repeal all laws in conflict with the same."

Was taken from today's calendar and rereferred by the President of the Senate to the Standing Committee on Judiciary.

BILL INDEFINITELY POSTPONED

On motion of Mr. Deloney, further consideration of the bill:

S. 30. To amend Section 3110 of the Code of Alabama of 1923. Was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The bill:

S. 10. To abolish the office known as State Prison Inspector, and to require the State Health Officer to take over, assume and perform all of the duties of the State Prison Inspector and his assistants, clerks and/or stenographers, and to provide that all the duties now required by law to be done or performed by the State Prison Inspector, and all of the powers now given to the State Prison Inspector by law be and the same are hereby transferred to and made a part of the duties, powers and obligations of the State Health Officer of the State of Alabama; to provide that all prisons, penitentiaries, city prisons, city jails, county jails, alms houses, asylums, penal institutions, or institutions of like kind or character shall be inspected in the same manner as now provided by law; that such inspections shall be made by the county or city health officer or person in charge of the county health unit of the county or city in which such institution is located under the direction, rules and regulations of the State Health Officer of the State of Alabama not in conflict with existing laws in Chapter 168 of the Code of Alabama of 1923, and to provide that such inspection and the enforcement of such rules and regulations shall be done and carried on and performed by the State Health Officer by and with the aid of the county or city health officer or person in charge of the county health unit of the respective cities and counties of the State without any further, other or additional charges or appropriations for that purpose, and repealing all appropriations heretofore made for salaries, expenses or expenditures for the State Prison Inspector's office; and to provide that this Act take effect immediately upon its approval.

Was taken up.

The Standing Committee on Penitentiary, Prison and Prison Punishment reported the following substitute for said bill to-wit: Substitute Senate Bill No. 10 so as to read as follows:

A BILL

To be entitled an Act to abolish the office of State Prison Inspector and to vest in the State Board of Health and State Health

Officer the duties, powers, responsibilities and privileges heretofore vested in said office, without any further or additional appropriations for this purpose, and to repeal all appropriations heretofore made to said office and to provide that this act shall take effect immediately upon its approval by the Governor.

Be it enacted by the Legislature of the State of Alabama:

Section 1. That the office of State Prison Inspector of the State of Alabama be and the same is hereby abolished, and that the duties, powers, responsibilities, and privileges heretofore vested in said office be and the same are hereby vested in the State Board of Health and State Health Officer.

Section 2. That all duties and responsibilities previously vested in the office of State Prison Inspector and now existing shall be performed by the State Board of Health and State Health Officer without further or additional appropriations by the State to the State Board of Health and that the appropriations heretofore made to said office of State Prison Inspector for salaries or compensation and traveling expenses are hereby repealed.

Section 3. That this Act shall take effect immediately upon its approval by the Governor."

Mr. Scruggs offered the following amendment to said substitute to-wit:

Amend substitute for S. 10 as follows:

Amend the title of said substitute so as to read as follows:

A BILL

To be entitled an Act to abolish the office of State Prison Inspector and to vest in the State Board of Health and State Health Officers the duties, powers, responsibilities and privileges heretofore vested in said office, and to provide that said inspections of almshouses and/or prisons now required by law to be performed by the State Prison Inspector's office shall be done and performed by the State Board of Health and the State Health Officer of the State of Alabama in such Counties through the County Health Officer in such Counties having the County Health Unit in so far as is possible and practicable, without any additional pay to the County Health Officer for performing such services.

To further amend said substitute as follows:

Amend Section 2 of said substitute by adding thereto the following words and figures, to-wit:

"That all inspections of almshouses and/or prisons now required by law to be performed by the State Prison Inspector's Office shall be done and performed by the said State Board of Health and the said State Health Officer of the State of Alabama in such Counties through the County Health Officer in such Counties having a County Health Unit in so far as is possible and practicable, without any additional pay to the County Health Officer for performing such services."

Which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	McDowell
Beasley	Duncan	Hooton	Riddle
Brown	Farmer	Hubbard	Scruggs
Caffey	Faulk	Jordan	Shepherd
Cooper	Garrett	Kelley	Walker
Craft	Goodwin	Lapsley	Wikle
Darden			

—25

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; nays, 1.

Yeas:

Messrs.:

Beasley	Duncan	Hooton	McDowell
Brown	Farmer	Hubbard	Mullins
Caffey	Faulk	Jordan	Riddle
Cooper	Fletcher	Kelley	Scruggs
Craft	Garrett	Lapsley	Shepherd
Darden	Goodwin	McDaniel	Wikle
Delony	Hildreth		

—26

Nay: Mr. Walker

—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 32. Relative to the adjournment of the two Houses to-day, until Tuesday, August 30, 1932, at 11:00 A. M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the sixth legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and on motion of Mr. Farmer, said report was

concurred in and the Journal of the Senate for the sixth legislative day approved by the Senate.

ADJOURNMENT

At 12:30 P. M. on motion of Mr. Powell and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, August 30th, 1932, at 11 A. M.

SEVENTH DAY

Tuesday, August 30th, 1932.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

The session was opened with Prayer by Dr. Richard Wilkinson, Rector of St. John's Episcopal Church, of Montgomery.

ROLL CALL

Present:

Messrs.:			
Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

a quorum of the Senate.

JOURNAL

On motion of Mr. Mullins, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Mullins:

S. 98. To amend Section 8563 of the Code of Alabama of 1923.
Committee on Judiciary.

By Mr. Darden:

S. 99. To repeal Section 47 of an act entitled, An act: To enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to provide for the supervision, inspection and regulation by said Commission in the public interest of the operation of motor carriers and of their service, rules, regulations and practices; fares, rates, charges and facilities, franchises and licenses; to provide for the payment of supervision and inspection fees by motor carriers; to provide compensation for performance of the duties imposed upon the commission hereunder; and to provide measures for the enforcement of the Commission's orders, and penalties for failure to comply with the orders of the Commission or with the provisions of this Act.

Committee on Judiciary.

By Mr. Darden:

S. 100. To prohibit and make unlawful for the Public Service Commission of Alabama to authorize or empower any person, firm, corporation, or association, exercising the rights and powers of a Public Utility in this State to charge or place in their accounts to the people of Alabama for their services or sales of their commodities any penalty or forfeiture; to prohibit and to make it unlawful for any person, firm, corporation or association, exercising the rights and powers and franchises of a Public Utility in the State of Alabama, to charge into their accounts, or to collect or to undertake to collect any penalty or forfeiture from the people of Alabama for and on account of current or past due accounts for their services or for the sale or price of any of their commodities; and to provide a penalty for the violation of this act.

Committee on Judiciary.

By Mr. Farmer:

S. 101. To amend Section 7409 of the Code of Alabama, 1923.

Committee on Judiciary.

By Mr. Hooten:

S. 102. To amend Section 4195 (6964) of the 1923 Code of Alabama.

Committee on Fish, Game and Forestry.

By Mr. Hooten:

S. 103. To amend Section 56, of an Act entitled An Act, to provide for and regulate and control Primary Elections for the nomination by Political Parties, of Candidates for Public Office within the State of Alabama, No. 56, and approved February 25, 1931.

Committee on Privileges and Elections.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, have compared the following engrossed bill with the original bill, and finds same correctly engrossed, to-wit:

S. 10. To abolish the office of State Prison Inspector and to vest in the State Board of Health and State Health Officer the duties, powers, responsibilities and privileges heretofore vested in said office, and to provide that said inspections of almshouses and/or prisons now required by law to be performed by the State Prison Inspector's office shall be done and performed by the State Board of Health and the State Health Officer of the State of Alabama in such Counties through the County Health Officer in such Counties having the County Health Unit in so far as is possible and practicable, without any additional pay to the County Health Officer for performing such services.

C. G. Brown, Chairman.

RESOLUTION AND SPECIAL ORDERS

The Rules Committee reported the following Senate Resolution:

S. R. 33. Resolved by the Senate that House Bills Nos. 74 and 55 be made special, paramount and continuing orders for three o'clock this afternoon.

And on motion of Mr. Powell, the Resolution was put upon its immediate passage and adopted, and said bills, H. 74 and H. 55 made special, paramount and continuing orders for three o'clock this afternoon.

RECESS

At 11:20 A. M. on motion of Mr. Powell, the Senate took a recess until three o'clock this afternoon.

AFTERNOON SESSION—SEVENTH DAY

Tuesday, August 30th, 1932.

The Senate re-assembled at 3 o'clock P. M., Lieutenant-Governor Merrill, presiding.

ROLL CALL

Upon a call of the roll of the Senate, the following members answered to their names, a quorum of the Senate:

Messrs:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Cowart
Craft
Darden

Delony
Duncan
Edmundson
Farmer
Faulk
Fletcher
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Jordan
Kelley
Lapsley
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—35

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Lapsley:

S. 104. To provide for the revision, codification, digesting and promulgation of the public statutes of this State, both civil and criminal.

Committee on Judiciary.

By Mr. Deloney:

S. 105. To amend Section 246 of the Educational Code of Alabama, approved August 27, 1927.

Committee on Education.

By Mr. Warren:

S. 106. To submit to the qualified voters of the State of Alabama at the General Election to be held in November, 1932, an amendment to the Constitution of Alabama, to provide for the exemption from ad valorem taxation for a period of five years from October 1, 1932, the real property to the taxable value of two thousand dollars and personal property to the taxable value of One Thousand dollars, of all persons whose property was injured or destroyed by the tornado occurring in the Spring of 1932; and to provide for the manner of securing such exemption.

Committee on Constitution, Constitutional Revision and Amendments.

The above bill was read a first time at length as required by the Constitution of the State of Alabama.

REPORTS OF COMMITTEES

Mr. Hildreth, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Sossaman:

H. 40. To repeal an act of the Legislature of Alabama passed June 30th, 1931 entitled "An Act to provide for and submit to the qualified electors of this State an amendment to the Constitution

of Alabama authorizing the governing authorities of the City of Mobile at any time and from time to time to call an election and submit to the qualified voters of said city a proposal or proposals to increase the limit upon the aggregate amount of ad valorem taxes that may be levied by said city in any one tax year for all purposes, beyond one and one tenth (1.1) per centum of the value of property therein as assessed for State taxation during the preceeding year, by thereafter levying and collecting and to thereafter levy and collect, an additional tax or taxes on the property situated therein at not exceeding such rate as may be submitted in such proposal; and authorizing said city, after securing the approval thereof by a majority of the qualified electors of such city voting at any such election to thereafter annually levy and collect for the purpose or purposes specified in said proposal, an additional tax or taxes on the property situated therein at not exceeding such rate as shall have been approved at such election, and prescribing a limit upon the amount of ad valorem taxes that may be levied and collected by said city for all purposes, and ordering an election by the qualified voters of the State upon such proposed amendment, and fixing the time for holding such election."

By Mr. Sossaman:

H. 41. To repeal an Act of the Legislature of Alabama passed July 25, 1931 entitled "An Act to propose an amendment to the Constitution of Alabama to authorize Mobile County, through a Commission to be appointed as shall be provided by the Legislature for that purpose, to purchase, build, or otherwise acquire and maintain and operate embankments, sea walls, and other protections against seas, waves, tides, storms, and floods in the County of Mobile along or near the shores of said County which border upon tidal waters, and to purchase, build or otherwise acquire and maintain and operate all appurtenances and improvements of whatsoever nature necessary or useful thereto, including jetties, wharves, roads, boulevards, parks, ornamental lighting systems, buildings, and recreation facilities; to authorize Mobile County to issue bonds for such purposes; to provide for the payment of such bonds; to authorize a county excise license tax on the distribution of motor vehicle fuels and lubricating oils; to authorize said county to levy special assessments against property benefited by such improvements; to authorize the allocation of state excise taxes on motor fuels, and state license taxes on motor vehicles, tractors, busses, trailers, and trucks to Mobile County for such purposes; to authorize the creation of a revolving fund to assure the payment of such bonds and the levy of taxes for the replenishment of such fund; to authorize the Legislature to adopt local acts in furtherance of the purposes of said amendment; to ratify certain acts adopted by the 1931 Alabama Legislature; and to provide for the submission of said amendment to the qualified electors of the State of Alabama."

By Mr. Taylor:

H. 48. To repeal an Act of the Legislature of Alabama passed June 30th, 1931 entitled "An Act to provide for and submit to the qualified electors of the State of Alabama an amendment to the Constitution of Alabama prescribing certain conditions under and the extent to and the purposes for which the City of Mobile may become indebted beyond the limit fixed by Section 225 of the Constitution and ordering an election by the qualified voters of the State upon such proposed amendment, and fixing the time for holding the said election."

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teasley:

S. 72. To provide for the propounding and prosecution of a claim or claims by and in the name of the State of Alabama against the Government of the United States of America for the recovery, under the present laws of the United States or such as may be hereafter enacted, from said Government of all moneys heretofore paid illegally into the Federal treasury as a direct tax upon property situated in the State of Alabama; to provide for the recovery of same; to authorize the Governor of the State to employ counsel and enter into the necessary contracts and agreements for the carrying out of the object of this Act; to provide for notice to and procedure by claimants of such moneys and to fix a prescription period after which such moneys shall escheat to and become the absolute property of the State of Alabama.

By Mr. Warren (with amendment):

S. 79. To provide for the special relief of J. A. Kizer by making an appropriation to compensate him for injuries received while he was employed by the Alabama Insane Hospital.

By Mr. Scruggs:

S. 95. To repeal "An Act to advance the cause of education by exempting from taxation in this State all property, real and personal, by Whomsoever owned, and whether assessed or not, during the entire time, including the current tax-year, the net income, rents and returns from which are used, or are to be used, exclusively for educational purposes in the State of Alabama other than for schools owned or controlled by any religious sect or denomination," approved September 9, 1927.

Mr. Edmundson, Chairman of the Standing Committee on Banking & Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Powell:

S. 70. To authorize the Superintendent of Banks to cooperate with the depositors and common creditors of a closed bank in working out plans to reorganize and reopen the bank and to empower him to do all things necessary in connection therewith to make the bank safe and solvent after the plan has been submitted to and approved by the court having jurisdiction.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and ordered same sent forthwith to the Senate without engrossment:

By Mr. Yerby:

H. J. R. 13. WHEREAS both Houses of the 72nd Congress of the United States of America by constitutional majority of two-thirds thereof proposed an amendment to the Constitution of America which should be valid to all intents and purposes as a part of the Constitution of the United States when ratified by the Legislature of three-fourths of the States, which resolution is in words and figures following, to-wit:

"Joint resolution proposing an amendment to the United States fixing the commencement of the terms of President and Vice-President and Members of Congress and fixing the time of the assembling of Congress.

"Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled (two-thirds of each house concurring therein) that the following amendment to the Constitution be and hereby is, proposed to the States to become valid as a part of said Constitution when ratified by the Legislatures of the several States as provided in the Constitution:

"ARTICLE—

"Section 1. The terms of President and Vice-President shall end at noon on the 20th day of January and the term of Senators and Representatives at noon on the 3rd day of January of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"Section 2. The Congress shall assemble at least once in every year, and such meetings shall begin at noon on the 3rd day of January unless they shall by law appoint a different day.

"Section 3. If at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice-President elect, shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice-President elect shall act as President until the President shall have qualified and the Congress may by law provide for the case wherein neither the President elect nor a Vice President shall have been qualified, declaring who shall then act as President or the manner in which one who is to act shall be selected, and such person shall act accordingly until the President or Vice President shall have qualified.

"Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose the President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

"Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

"Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several states within seven years of the date of its submission.

"NOW THEREFORE BE IT

Resolved by the House of Representatives of the General Assembly of Alabama the Senate concurring therein:

"Section 1. That said proposed amendment to the Constitution of the United States of America be and the same is, hereby ratified by the General Assembly of the State of Alabama.

"Section 2. That certified copies of this preamble and joint resolution be forwarded by the Governor of this State to the Secretary of State at Washington, D. C., to the presiding officer of the United States Senate and to the Speaker of the House of Representatives of the United States."

J. H. Stewart,
Clerk.

HOUSE MESSAGE

H. J. R. 13, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Constitution and Constitutional Revision and Amendments.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Morrow:

H. 195. To amend an Act entitled An Act, "To create in all cities of the State of Alabama, which have a population of as much as one hundred seventy thousand people according to the last Federal Census, or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire departments of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and to provide the method and time of electing the remaining members thereof; to designate and provide for the selection of officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to continue as trustees the members of such board as now exist

under existing laws during the terms for which they have been elected, same to be trustees under this Act in their respective cities which are governed by this Act and where this Law applies; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; and to continue benefits and relief under this law to such as are receiving same under existing laws in such cities as are governed by this law; to declare the said Board of Trustees the trustees of such fund, to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into such funds of the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenue received from licenses issued by such cities; to transfer and convert into the respective Firemen's Pension and Relief funds as created and provided in this Act the respective funds and moneys and properties constituting Firemen's Pension and Relief funds as are existing respectively under existing laws in Alabama in the cities which shall come under and be governed by the provisions of this Act; and to provide for the administration and use of same; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire departments, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such funds of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the City Attorney and City Physician in connection with the said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits of said fund from levy; to provide the time of taking effect of this Act," approved August 9th, 1927.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate Standing Committee as follows:

H. 195 to the Committee on Banking and Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and sends same herewith to the Senate:

By Mr. Sparks:

H. 123. To propose an amendment to the Constitution of Alabama to be known as "Article XXIV" providing that all provisions of the Constitution which prohibit the Legislature from reducing the salary of compensation of any officer of the State, or of a county or municipality, during the term for which he has been elected, are suspended until October 1, 1935, and providing that any laws reducing such salaries, which may have been enacted since August 1, 1932, are ratified and confirmed and that this amendment to the Constitution will be void after October 1, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is the 8th day of November, 1932, this being the date of the general election next succeeding the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

Article XXIV. All provisions of the Constitution which prohibit the Legislature from reducing the salary, fees or compensation of any officer of the State, or of any County, or Municipality, or other political sub-division thereof, during the term for which he has been elected or appointed, whether such office held by him be Judicial, Legislative or Executive office or office of any other character, are suspended until the first Monday after the second Tuesday in January 1935; and provided the Legislature of 1935 may fix the salary, fees and compensation of such officers for the term commencing on the first Monday after the second Tuesday in January 1935, or prior thereto. Any and all laws reducing any salary, fees or compensation of any such officer, which may have been enacted since August 1st, 1932, or which may hereafter be enacted are hereby ratified and confirmed.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State, once a week for at least eight suc-

cessive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz: Shall the following be adopted as an Amendment to the Constitution of Alabama?

Article XXIV. All provisions of the Constitution which prohibit the Legislature from reducing the salary, fees or compensation of any officer of the State, or of any County, or Municipality, or other political sub-division thereof, during the term for which he has been elected or appointed, whether such office held by him be Judicial, Legislative or Executive office or office of any other character, are suspended until the first Monday after the second Tuesday in January 1935; and provided the Legislature of 1935 may fix the salary, fees and compensation of such officers for the term commencing on the first Monday after the second Tuesday in January 1935, or prior thereto. Any and all laws reducing any salary, fees or compensation of any such officer, which may have been enacted since August 1st, 1932, or which may hereafter be enacted are hereby ratified and confirmed.

Section 4. The officers of the general election shall open a poll for the vote of the qualified electors upon the proposed amendment.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The results of such election shall be made known by a proclamation of the Governor.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once at length, as required by the Constitution, and referred to appropriate Standing Committee as follows:

H. 123 to the Committee on Constitution and Constitutional Revision and Amendments.

BILLS ON THIRD READING

The bill:

H. 74. A bill to be entitled an act to propose an amendment to the Constitution of Alabama to be known as "Article XXII," au-

thorizing the Legislature to levy an income tax for the calendar year, 1932, and for each year thereafter; to provide that income shall not be considered property for tax purposes, and to provide that the Legislature shall reduce the ad valorem tax when the revenue derived from an income tax will justify.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is the 8th day of November, 1932, this being the date of the general election next succeeding the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

Article XXII. The Legislature shall have the power to levy and collect taxes for State purposes on net income from whatever source derived within this State, including the income derived from salaries, fees and compensation paid by the State, County, Municipality and any agency or creature thereof, for the calendar year, 1932, and thereafter, and to designate and to define the income to be taxed and to fix the rates of taxes. Income shall not be deemed property for purposes of ad valorem taxes. From net income an exemption of Fifteen Hundred Dollars (\$1500.00) shall be allowed to unmarried persons and an exemption of Three Thousand Dollars (\$3,000.00) shall be allowed to the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. The Legislature shall reduce the ad valorem tax from time to time when and to such an amount as the revenue derived from the income tax will justify. In the event the Legislature levies an income tax, such tax must be levied upon the salaries, incomes, fees, or other compensation of State, County and Municipal officers and employees, on the same basis as such income taxes are levied upon other persons.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State, once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz: Shall the following be adopted as an Amendment to the Constitution of Alabama?

Article XXII. The Legislature shall have the power to levy and collect taxes for State purposes on net incomes from whatever source derived within this State, including the incomes derived

from salaries, fees and compensation paid by the State, County, Municipality and any agency or creature thereof, for the calendar year, 1932, and thereafter, and to designate and to define the incomes to be taxed and to fix the rates of taxes. Income shall not be deemed property for purposes of ad valorem taxes. From net income an exemption of Fifteen Hundred Dollars (\$1500.00) shall be allowed to unmarried persons and an exemption of Three Thousand Dollars (\$3,000.00) shall be allowed to the head of a family provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. The Legislature shall reduce the ad valorem tax from time to time when and to such an amount as the revenue derived from the income tax will justify, in the event the Legislature levies an income tax, such tax must be levied upon the salaries, incomes, fees, or other compensation of State, County and Municipal officers and employees, on the same basis as such income taxes are levied upon other persons. (Yes____) (No____).

Section 4. The officers of the general election shall open a poll for the vote of the qualified electors upon the proposed amendment.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Was taken up.

Mr. Hildreth offered the following amendment to said bill, to-wit:

Amend the proposed amendment, Article 22, by inserting at the end of the first sentence thereof, the following:

"Provided, however, that the maximum rates of such taxes which may be so fixed shall not exceed five (5%) per cent."

Mr. Powell moved that said amendment be laid on the table, which motion prevailed and the amendment was tabled.

Yeas, 27; nays, 8.

Yeas:

Messrs.:

Bartlett
Beasley
Brown
Caffey
Cooper
Cowart
Craft

Darden
Delony
Duncan
Farmer
Goodwin
Hooton
Hubbard

Jordan
Kelley
Lapsley
McDaniel
Millsap
Mullins
Powell

Riddle
Scruggs
Shepherd
Teasley
Warren
Wikle

Nays:

Messrs.:

Bonner
Edmundson

Faulk
Fletcher

Garrett
Hildreth

McDowell
Walker

— 8

Mr. Hildreth also offered the following amendment to said bill, to-wit:

Amend the proposed amendment, Article 22, by inserting after the first sentence thereof the following:

"In designating and defining the income to be taxed there shall in any event be allowed as deductions from gross income in computing net taxable income all taxes paid by or accrued against each taxpayer and his property or business, including Federal taxes."

On motion of Mr. Powell, said amendment was laid on the table.

Yeas, 29; nays, 5.

Yeas:

Messrs.:

Bartlett
Beasley
Brown
Caiffey
Cooper
Cowart
Craft
Darden

Delony
Duncan
Farmer
Garrett
Goodwin
Hooton
Hubbard

Jordan
Kelley
Lapsley
McDaniel
Millsap
Mullins
Powell

Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—29

Nays:

Messrs.:

Bonner
Edmundson

Faulk

Hildreth

McDowell

— 5

Mr. Hildreth also offered the following amendment to said bill, to-wit:

Amend the proposed amendment, Article 22, by adding at the end thereof the following:

"After ascertainment of the amount of any such tax on net income due by each taxpayer (before any credit against such amount) there shall be credited against such amount the total of all taxes and licenses paid by or accrued against such taxpayer or the property or business of such taxpayer to or in favor of the State of Alabama and all counties and municipalities therein for the taxable period and only the balance shall be the tax on net income due by such taxpayer. If there be no such balance no tax on net income shall be due by such taxpayer for such taxable period."

And on motion of Mr. Powell, said amendment was laid on the table.

Yeas, 29; nays, 6.

*Yeas:***Messrs.:**

Bartlett	Delony	Jordan	Riddle
Beasley	Duncan	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Garrett	McDaniel	Teasley
Cooper	Goodwin	Millsap	Walker
Cowart	Hooton	Mullins	Warren
Craft	Hubbard	Powell	Wikle
Darden			

—29

*Nays:***Messrs.:**

Bonner	Faulk	Hildreth	McDowell
Edmundson	Fletcher		

— 6

Mr. Hildreth also offered the following amendment to said bill, to-wit:

Amend the proposed amendment, Article 22, by adding thereto the following:

"If any officer, employee or agent of the State shall except in proper legal proceedings for collection of the tax or the enforcement of penalties for failure to assess or pay the tax or negligence or fraud with respect thereto disclose to any one any information obtained in the process of levy, assessment, collection or administration of the taxes upon net incomes hereby authorized, he or she shall forfeit his office, such forfeiture to be declared by any court of this State upon the complaint of any resident of the State, and he or she shall further be guilty of a misdemeanor punishable by imprisonment for not more than six months and a fine of not more than five hundred dollars (\$500) as may be fixed by the Court. Any court of this State shall have jurisdiction in the premises."

And on motion of Mr. Powell, the amendment was laid on the table.

Yeas, 29; nays, 6.

*Yeas:***Messrs.:**

Bartlett	Delony	Jordan	Riddle
Beasley	Duncan	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Garrett	McDaniel	Teasley
Cooper	Goodwin	Millsap	Walker
Cowart	Hooton	Mullins	Warren
Craft	Hubbard	Powell	Wikle
Darden			

—29

*Nays:***Messrs.:**

Bonner	Faulk	Hildreth	McDowell
Edmundson	Fletcher		

— 6

Mr. Teasley offered the following amendment to said bill, to-wit:

Amend Section 1 by inserting after the word "family", and before the word "Provided", where they appear in said section, the following: "and \$300.00 for each dependent". Amend Section 3 by inserting after the word "family", and before the word "provided", where they appear in said section, the following: "And \$300.00 for each dependent."

Mr. Faulk offered the following amendment to the amendment of Mr. Teasley, to-wit:

Amend amendment by Mr. Teasley to H. 74 by striking out the figures \$300.00 wherever they appear therein and insert in lieu thereof the figures "\$400.00".

On motion of Mr. Powell, said amendment was laid on the table.

Yeas, 25; nays, 8.

Yeas:

Messrs.:

Bartlett	Darden	Hubbard	Powell
Beasley	Duncan	Kelley	Riddle
Brown	Farmer	Lapsley	Scruggs
Caffey	Garrett	McDaniel	Walker
Cooper	Goodwin	Millsap	Warren
Cowart	Hooton	Mullins	Wikle
Craft			

—25

Nays:

Messrs.:

Bonner	Faulk	Hildreth	McDowell
Edmundson	Fletcher	Jordan	Shepherd

— 8

The question then recurred on the amendment offered by Mr. Teasley, and, on motion of Mr. Powell, said amendment was laid on the table.

Yeas, 24; nays, 11.

Yeas:

Messrs.:

Bartlett	Craft	Hubbard	Powell
Beasley	Darden	Kelley	Riddle
Brown	Delony	Lapsley	Scruggs
Caffey	Duncan	McDaniel	Walker
Cooper	Goodwin	Millsap	Warren
Cowart	Hooton	Mullins	Wikle

—24

Nays:

Messrs.:

Bonner	Faulk	Hildreth	Shepherd
Edmundson	Fletcher	Jordan	Teasley
Farmer	Garrett	McDowell	

—11

Mr. Garrett offered the following amendment to said bill, to-wit:

Amend House Bill Number 74 by adding after the words "income tax" where they appear together in lines 23 and 24 of Section 3, Page 2 of said bill, the following:

"Upon the ratification of this amendment there shall be exempt from State ad valorem taxation and from levy and sale for State ad valorem taxation, from and after the tax year ending September 30, 1933, the following property: The homestead of every resident of this State, to be selected by him or her, with the improvements and appurtenances not exceeding in value Two Thousand Dollars (\$2,000.00) and in area One Hundred Sixty (160) acres, to the extent of any interest which he or she may have therein, whether a fee, or less estate, or whether held in common or in severalty, during his or her occupancy. The area of the homestead shall not be enlarged by reason of any lien or encumbrance thereon, and should there be any lien or encumbrance on said homestead, the exemption in the property shall nevertheless not exceed Two Thousand Dollars (\$2,000.00)."

Amend said House Bill Number 74 by adding the word "further" immediately after the words "the Legislature shall" where the same appear in line 24 of Section 3, Page 2 of said bill.

And on motion of Mr. Riddle, said amendment was laid on the table.

Yeas, 26; nays, 9.

Yeas:

Messrs.:

Bartlett	Darden	Jordan	Powell
Beasley	Delony	Kelley	Riddle
Brown	Duncan	Lapsley	Scruggs
Caffey	Farmer	McDaniel	Walker
Cooper	Goodwin	Millsap	Warren
Cowart	Hooton	Mullins	Wikle
Craft	Hubbard		

—26

Nays:

Messrs.:

Bonner	Fletcher	Hildreth	Shepherd
Edmundson	Garrett	McDowell	Teasley
Faulk			

— 9

Said bill was then read a third time at length and passed.

Yeas, 29; nays, 6.

Yeas:

Messrs.:

Bartlett	Delony	Jordan	Riddle
Beasley	Duncan	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Garrett	McDaniel	Teasley
Cooper	Goodwin	Millsap	Walker
Cowart	Hooton	Mullins	Warren
Craft	Hubbard	Powell	Wikle
Darden			

—29

Nays:

Messrs.:

Bonner
Edmundson

Faulk
Fletcher

Hildreth

McDowell

— 6

SPECIAL ORDER

On motion of Mr. Scruggs, the bill:

H. 55. To propose an amendment to the Constitution of Alabama to be known as "Article XXIII" authorizing the State to issue and sell negotiable interest bearing bonds in an amount not to exceed Twenty Million Dollars (\$20,000,000.00) in addition to all other bonds of the State; to provide that such bonds shall be free from taxes; to provide that such bonds shall be the general obligation of the State and to provide for a sinking fund to pay the interest and principal." And to authorize the Governor of Alabama to borrow an amount or amounts not in excess of Twenty Million Dollars to pay the indebtedness of the State outstanding on September 30, 1932, and to pledge the bonds herein authorized as collateral security for the amount or amounts, so borrowed and to use the interest coupons on said bonds in payment of interest.

Was made a special, paramount and continuing order for ten A.M. tomorrow.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the seventh legislative day and finds same correct and containing all original entries and references thereto required by the Constitution.

Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and on motion of Mr. Farmer, said report was concurred in and the Journal of the Senate for the seventh legislative day approved by the Senate.

ADJOURNMENT

At 6:15 P.M., on motion of Mr. Scruggs, the Senate adjourned until ten o'clock tomorrow morning, August 31st, 1932.

EIGHTH DAY

Wednesday, August 31st, 1932.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill, presiding.

PRAYER

Prayer by Dr. Fred M. Little, of Montgomery.

ROLL CALL

Present:

Messrs.:			
Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

JOURNAL

On motion of Mr. McDowell, reading of the Journal was dispensed with and same approved.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Riddle:

S. 107. To make it unlawful to receive or to cause to be furnished from or by any hospital, infirmary or sanatorium board, room, surgical, medical or nursing care with intent to defraud such hospital, infirmary, or sanatorium, and to fix penalty or punishment therefor, and to define what shall be prima facie evidence of such intent to defraud.

Committee on Public Health.

By Mr. Darden:

S. 108. To provide that certified statements of the birth and/or death of any person or persons appearing on the records of the State Health Department of Alabama, on application of any person interested or his attorney, in writing to State Health Department of Alabama for the purpose or purposes of making claims or proof for any life insurance, compensation and/or any other allowance to any person of this State, shall be furnished without charge, by the State Health Department of Alabama.

Committee on Public Health.

By Mr. Darden:

S. 109. To amend Section 9757 of the Code of Alabama.
Committee on Judiciary.

By Mr. Faulk:

S. 110. To prohibit lobbying in either branch of the Legislature, or with any member thereof, by any person or persons interested in or affected by a bill, measure, resolution or question under consideration by the Legislature; and to provide a penalty for the violation of this Act.

Committee on Judiciary.

By Mr. Craft:

S. 111. That all shipments of gasoline and lubricating oils or substitutes therefor received at any station on railroads, transported into the State of Alabama by ships, barges, and trucks, railroad companies, including both inter-state and intrastate shipments and by whatsoever means such gasoline and lubricating oils or substitutes therefor may be transported, accurate reports thereof may be made to the State Tax Commission not later than the 20th day of each and every calendar month for the preceding month, giving the name and address of the consignor and consignee, shipping and receiving said gasoline, or lubricating oils, and substitutes therefor and number of gallons or pounds of each and every shipment; and fixing a penalty of not less than Five Hundred Dollars for each and every violation of the provisions of this Act.

Committee on Finance and Taxation.

By Mr. Faulk:

S. 112. To repeal Article 27, including Sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, of an act of the Legislature of Alabama of 1919, entitled: 'An act to provide a complete educational system for the State of Alabama; to provide a public school fund; to provide for the administration of the public schools and create a State board of education and prescribe its powers and duties; to create county and city boards of education, to define their respective powers and duties, to provide for the payment of their necessary expenses and equipment including furniture; to provide for the holding of elections for the one mill county tax on each dollar of taxable property under the Constitution of 1901; to provide for the holding of elections for the county tax of three mills or less on each dollar of taxable property under the amendment to the Constitution of 1901; to provide for the holding of elections for the district tax of three mills or less on each dollar of taxable property, and to prescribe the method of holding such elections; to prescribe the duties and powers of the State Superintendent of Education and to fix his compensation; to provide for the organization of the State Department of Education; to provide for the appointment of county superintendents of education, to define their duties and powers and to provide for their compensation; to provide for boards

of school trustees; to provide for the appointment of city superintendents of education, to define their duties and powers, and to provide for their compensation; to provide for supervisors of schools in the various counties and cities, to fix their duties and powers, and to provide for their compensation; to provide for the use of a bonus fund for counties levying and collecting a special county tax for school purposes, and to fix the amount in accordance with the rate of such special tax; to provide for a county treasurer of school funds; to provide for compulsory attendance upon the schools of the state within certain ages, to fix penalties, to provide for the appointment of attendance officers and to define their duties and fix their compensation and to provide the method of enforcing compulsory attendance within the ages prescribed; to provide for the certification of teachers, and to provide for the use of appropriations for the issuance of certificates and for the conduct of teachers institutes; for the training of teachers in service, and provide the necessary clerical and other assistants; to provide financial assistance for the erection, repair and equipment of rural schoolhouses, and to prescribe the conditions under which such assistance may be obtained; to provide for the sale and conveyance of certain lands that have been conveyed to the state for school purposes; to provide for rural libraries throughout the state, including the method by which assistance may be obtained; to provide for vocational education and for the use of appropriations therefor; to provide for the removal of illiteracy among adults as well as among minors, and for the use of appropriations therefor; to provide uniform text books throughout the State and to authorize the creation of a state text book committee and to define its powers and duties; to provide for county high schools and prescribe the conditions under which such county high schools may obtain assistance from the state, and to authorize such county high schools to receive financial assistance from county boards of revenue; boards of education; school districts or private sources; to provide for county high schools treasurers; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for county treasurers of school funds; to fix their bonds and prescribe their powers and duties and to provide for the payment of the premiums upon their bonds; to provide for changing the name of the nine branch agricultural schools and experiment stations, or district agricultural schools, and of the Northeast Alabama Agricultural and Industrial Institute to State secondary Agricultural schools, to provide for their management and control and for their continuance upon the meeting of certain requirements and for the use of appropriations therefor; to provide for certain State Normal Schools and for their control and management and for the use of appropriations therefor; to provide for the creation of the Alabama School of Trades and

Industry and for its control and management; to provide for changing the name of the Agricultural and Mechanical College for Negroes to Agricultural and Mechanical Institute for Negroes and to provide for its management and control and for the use of appropriations therefor; to provide for changing the name of the school heretofore established at Montevallo as the Alabama Girls' Industrial School, lated called the Alabama Girls' Technical Institute, to the name of the Alabama Technical Institute and College for Women; to create a board of Trustees for such institute, to prescribe their powers and duties, their method of appointment, and length of service, and for the use of appropriations therefor; to provide for the management and control of the Alabama Polytechnic Institute, to define the powers and duties of the board of trustees, the method of appointment of such trustees, and for the use of appropriations to said institute, to provide for the management and control of the University of Alabama, to define the duties and powers of the trustees, the method of appointment of such trustees, and for the use of appropriations to the University; to provide for a summer school at the University of Alabama and for the use of appropriations therefor; to create a state council of education and to prescribe its powers and duties; to provide for the management and control of the Alabama Institute for the Deaf; of the Alabama Academy for the Blind, and of the Alabama School for Negro Deaf and Blind, to create a board of trustees therefor and to provide for the method of their appointment and the length of service and for the use of appropriations therefor; to provide for the establishment and maintenance of the Alabama Boys' Industrial School, to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties and the method of committing boys thereto, and for the use of appropriations therefor; to provide for the maintenance and establishment of the Alabama School for Juvenile Negro Lawbreakers; to provide for the management and control thereof, and for the appointment of a board of directors, to define their powers and duties, and for the method of committing boys thereto, and for the use of appropriations for such school, to provide for the lease and sale of school lands in the state; to make certain requirements with reference to the bonds of officials and employees authorized under the provisions of this act; to require county and city boards of education to give regular instruction in all schools under their direction as to the nature of alcoholic drinks, tobacco and other narcotics; to require private, denominational and parochial schools to make reports; to provide penalties for the violation of the provisions of this act, and to provide for the repeal of inconsistent laws enacted hereafter," approved September 26, 1919.

Committee on Education.

REPORT OF COMMITTEE

Mr. Beasley, Chairman of the Standing Committee on Fish, Game and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hooten:

S. 102. To amend Section 4195 (6964) of the 1923 Code of Alabama.

RESOLUTION

Mr. McDaniel offered the following joint Resolution:

S. J. R. 34. Be It Resolved by the Senate of the State of Alabama, the House of Representatives concurring, that we heartily endorse and recommend for the office of Speaker of the House of Representatives of the Congress of the United States, the Honorable John McDuffie of Alabama.

And on motion of Mr. McDaniel, the rules were suspended and the resolution put upon its immediate passage and unanimously adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. McClendon (with notice and proof):

H. 54. To authorize the Sheriff of St. Clair County, Alabama, to employ two chief deputy sheriffs, one to reside at Pell City and the other to reside at Ashville; to fix the compensation of such chief deputies; to provide for the payment of same and the manner thereof; and to repeal all laws in conflict with this Act insofar as same apply to said St. Clair County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the next special session of the Legislature, in the event one is called, I will introduce a local bill for St. Clair County, Alabama, the substance of which bill is as follows:

—A BILL—

TO BE ENACTED

—AN ACT—

To authorize the Sheriff of St. Clair County to employ two chief deputy sheriffs, one to reside at Pell City and one to reside at Ashville; to fix the compensation of such deputies; to provide for the payment of same and the

manner thereof; and to repeal all laws in conflict with this Act insofar as same apply to St. Clair County.

(Signed) PERKINS McCLENDON,
Representative in Alabama Legislature.

State of Alabama, }
St. Clair County. }

Before me, a Notary Public, in and for said State and County personally appeared F. W. White, the publisher of The Pell City News, a newspaper published at Pell City, Ala., in said county, and who being duly sworn deposes and says that the foregoing notice hereto attached has been regularly published once a week for four consecutive weeks in said paper.

Dates: Aug. 27, Sept. 3-10-17, 1931.

F. W. WHITE.

Sworn to and subscribed before me this the 9th day of August, 1932.
(Seal) W. T. Starnes.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee as follows:

H. 54, to the Committee on Local Legislation.

CONSIDERATION OF SPECIAL ORDER

The Senate proceeded to consider the special order for this hour, which was the bill:

H. 55. A bill to be entitled an act to propose an amendment to the Constitution of Alabama to be known as "Article XXIII" authorizing the State to issue and sell negotiable interest bearing bonds in an amount not to exceed Twenty Million Dollars (\$20,000,000.00) in addition to all other bonds of the State; to provide that such bonds shall be free from taxes; to provide that such bonds shall be the general obligation of the State and to provide for a sinking fund to pay the interest and principal. "And to authorize the Governor of Alabama to borrow an amount, or amounts, not in excess of Twenty Million Dollars to pay the indebtedness of the State outstanding on September 30, 1932, and to pledge the bonds herein authorized as collateral security for the amount, or amounts, so borrowed and to use the interest coupons on said bonds in payment of interest."

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is the 8th day of November, 1932, this being the date of the general election next succeeding the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

Article XXIII. The State is authorized to issue and sell negotiable interest bearing bonds in addition to all other bonds of the State, in an amount not to exceed the sum of Twenty Million Dollars (\$20,000,000.00) to pay the indebtedness of the State outstanding on September 30, 1932. Said bonds to be issued under such denominations, numbers and series and to mature at such times as may be provided by law, all such bonds shall bear a rate of interest not exceeding six per cent (6%) per annum, payable semi-annually; shall be a direct obligation of the State and the full faith and credit of the State is pledged for the prompt payment of the interest and principal thereof. They shall not be sold at a price less than the par value thereof and they shall be exempt from all State, county and municipal taxes. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds, there is pledged such portion of the income tax which may be collected in Alabama as will be necessary to pay the interest and principal as they mature, or any other tax paid to the State if an income tax is not levied or be insufficient." The Governor may borrow from time to time an amount not in excess of Twenty Million Dollars (\$20,000,000.00) to be used in the payment of the indebtedness due September 30, 1932, or such portion thereof as he may be able to pay with money so borrowed, and may pledge as collateral security for said money so borrowed the bonds herein provided for, or any of them, and may use the interest coupons in payment of interest on the money so borrowed. "The Governor of Alabama is authorized to negotiate temporary loans from time to time never to exceed Three Million Dollars (\$3,000,000.00) to meet any deficiencies in the Treasury and to pay interest on the money so borrowed and until the same is paid no new loan shall be negotiated.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor which shall be published in one newspaper in every county of the State, once a week for at least eight successive weeks next preceding the day appointed for such election.

Section 3. At the election hereby ordered to be held, as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz: Shall the following be adopted as an amendment to the Constitution of Alabama? Article XXIII. The State is authorized to issue and sell negotiable interest bearing bonds in addition to all other bonds of the State, in an amount not to exceed the sum of Twenty Million Dollars (\$20,000,000.00) to pay the indebtedness of the State outstanding on September 30, 1932. Said bonds to be issued under such denominations, numbers and series and to mature at such times as may be provided by law, all such bonds shall bear a rate of interest not

exceeding six per cent (6%) per annum, payable semi-annually; shall be a direct obligation of the State and the full faith and credit of the State is pledged for the prompt payment of the interest and principal thereof. They shall not be sold at a price less than the par value thereof and they shall be exempt from all State, county and municipal taxes. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds, there is pledged such portion of the income tax which may be collected in Alabama as will be necessary to pay the interest and principal as they mature, or any other tax paid to the State if an income tax is not levied or is insufficient. "The Governor may borrow from time to time an amount not in excess of Twenty Million Dollars (\$20,000,000.00) to be used in the payment of the indebtedness due September 30, 1932 or such portion thereof as he may be able to pay with money so borrowed, and may pledge as collateral security for said money so borrowed the bonds herein provided for, or any of them, and may use the interest coupons in payment of interest on the money so borrowed." The Governor of Alabama is authorized to negotiate temporary loans from time to time never to exceed Three Million Dollars (\$3,000,000.00) to meet any deficiencies in the Treasury and to pay interest on the money so borrowed and until the same is paid no new loan shall be negotiated. (Yes_____)(No_____).

Section 4. The officers of the General Election shall open a poll for the vote of the qualified electors upon the proposed amendment.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Mr. Teasley offered the following amendment to said bill to-wit:

Amend caption and Section 1, by inserting after the word "1932", where it appears in said Caption and said Section, the words, "And for no other purpose".

Further amend Section 1, by striking out the word "6" where it appears in said Section, and insert in lieu thereof the word "5".

Amend Section 3, by inserting after the word "1932", where it appears in said Section, the words, "And for no other purpose".

And on motion of Mr. Scruggs, said amendment was laid on the table.

Yeas, 14; nays, 13.

*Yeas:**Messrs.:*

Bartlett	Cooper	Hubbard	Powell
Beasley	Cowart	Lapsley	Scruggs
Brown	Darden	McDaniel	Walker
Caffey	Goodwin		

—14

*Nays:**Messrs.:*

Bonner	Garrett	Kelley	Shepherd
Craft	Hildreth	McDowell	Teasley
Delony	Jordan	Mullins	Wikle
Faulk			

—13

Mr. Teasley also offered the following amendment to said bill to-wit:

Further amend Section 3, by striking out the word "6" where it appears in said Section, and insert in lieu thereof the word "5".

And on motion of Mr. Scruggs, said amendment was laid on the table.

Yeas, 20; nays, 12.

*Yeas:**Messrs.:*

Bartlett	Cowart	Hubbard	Powell
Beasley	Darden	Lapsley	Scruggs
Brown	Duncan	McDaniel	Walker
Caffey	Farmer	Millsap	Warren
Cooper	Goodwin	Mullins	Wikle

—20

*Nays:**Messrs.:*

Bonner	Edmundson	Hildreth	McDowell
Craft	Faulk	Jordan	Shepherd
Delony	Garrett	Kelley	Teasley

—12

Mr. Teasley also offered the following amendment to said bill to-wit:

Further amend by striking out the following words "Or any other tax paid to the State if an income tax is not levied, or be insufficient", where they appear in said Sections 1 & 3.

On motion of Mr. Scruggs the amendment was laid on the table.

Yeas, 26; nays, 7.

*Yeas:**Messrs.:*

Bartlett	Darden	Hubbard	Powell
Beasley	Delony	Kelley	Scruggs
Brown	Duncan	Lapsley	Shepherd
Caffey	Farmer	McDaniel	Walker
Cooper	Garrett	Millsap	Warren
Cowart	Goodwin	Mullins	Wikle
Craft	Hooton		

—26

Nays:

Messrs.:

Bonner
Edmundson

Faulk
Hildreth

Jordan
McDowell

Teasley

—7

Mr. Teasley also offered the following amendment to said bill to-wit:

Further amend by striking out the words and figures "Twenty Million (\$20,000,000.00) Dollars" where they appear in the caption and sections 1 & 3 of the bill, and insert in lieu thereof the words and figures "Fifteen Million (\$15,000,000.00) Dollars".

On motion of Mr. Scruggs, said amendment was laid on the table.

Yeas, 26; nays, 8.

Yeas:

Messrs.:

Bartlett
Beasley
Brown
Caffey
Cooper
Coward
Craft

Darden
Delony
Duncan
Farmer
Garrett
Goodwin
Hooton

Hubbard
Kelley
Lapsley
McDaniel
Millsap
Mullins

Powell
Riddle
Scruggs
Walker
Warren
Wikle

—26

Nays:

Messrs.:

Bonner
Edmundson

Faulk
Hildreth

Jordan
McDowell

Shepherd
Teasley

—8

Mr. Teasley also offered the following amendment to said bill to-wit:

Further amend the caption by adding at the end thereof the following words: "Provided that any money borrowed shall be equal in amount to the par value of bonds pledged as collateral".

Further amend Section One by adding after the word "borrowed" in line 30 the following words: "Provided that any money borrowed shall be equal in amount to the par value of bonds pledged as collateral".

Further amend Section Three by adding after the word "borrowed" in line 29 the following: "Provided that any money borrowed shall be equal in amount to the par value of bonds pledged as collateral".

On motion of Mr. Scruggs, said amendment was laid on the table.

Yeas, 25; nays, 7.

Yeas:

Messrs.:

Bartlett
Beasley
Brown
Cooper

Coward
Craft
Darden
Delony

Duncan
Farmer
Garrett
Goodwin

Hooton
Kelley
Lapsley
McDaniel

Millsap	Riddle	Shepherd	Warren	
Mullins	Scruggs	Walker	Wikle	
Powell				—25

Nays:

Messrs.:

Bonner	Faulk	Jordan	Teasley	
Edmundson	Hildreth	McDowell		—7

Mr. Bonner offered the following substitute for said bill to-wit:
Substitute for H. 55:

A BILL

To be entitled An Act to propose an amendment to the Constitution of Alabama to be known as Article 23 authorizing the State of Alabama to issue and sell negotiable interest-bearing securities of the State not exceeding in principal amount fifteen million dollars (\$15,000,000.00) for the purpose of paying indebtedness of the State of Alabama created prior to January 1, 1932; to authorize the Governor to sell and deliver all or any part of the said securities from time to time at not less than the par value thereof and to offer the said securities at the par value thereof in payment and satisfaction of indebtedness of the State created prior to January 1, 1932; to provide for the funding of the indebtedness for the payment of which the said securities are authorized not later than January 1, 1938, and pending the funding thereof to authorize the Governor to issue, sell and renew short-term securities of the State; to provide for the creation of a fund for the payment of the said securities by the pledging of such part of the annual tax of ten cents (\$0.10) heretofore levied on each one hundred dollars (\$100.00) of the assessed value of taxable property as shall not be required for the relief of needy Confederate soldiers and sailors and their widows in the manner and to the extent now provided by law; and to provide for the calling by the Governor of an election on Nov. 8, 1932, for the consideration of the said proposed amendment by the qualified electors of this State.

Be it enacted by the Legislature of Alabama:

Section 1: That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of Alabama for their ratification or rejection at an election to be called and held by the Governor on November 8, 1932, to-wit:

SECTION 2: Article 23. For the purpose of paying indebtedness of the State of Alabama created prior to January 1, 1932, there shall be issued and sold by the State of Alabama interest-bearing negotiable securities of the State of Alabama not exceeding in principal amount the sum of \$15,000,000.00, which said securities shall bear interest at the rate of not exceeding 4¾ per centum per annum, payable semi-annually, and shall mature in serial annual installments, the first of which shall be payable three years from

the date of the securities and the last of which shall be payable not later than thirty years from the date of the securities, and the total payments of principal and interest which become due in any one year shall not be more than \$100,000.00 greater than, and not less than \$100,000.00 less than, the average payment of principal and interest to become due and payable in any one year, including all series of securities that may be issued hereunder. The Governor is hereby authorized to sell and deliver all or any part of the said securities from time to time at not less than the par value thereof and is hereby further authorized to offer the said securities at the par value thereof in payment and satisfaction of indebtedness of the State of Alabama created prior to January 1, 1932. The indebtedness for the payment of which the said securities are hereby authorized shall be funded not later than January 1, 1938, and pending the funding thereof the Governor is hereby authorized to issue and sell short-term securities of the State and to renew such short-term securities from time to time, provided that all such short-term securities and renewals thereof shall mature not later than January 1, 1938, and shall not be thereafter renewed. To create a fund for the payment of the said securities, such part of the annual tax of 10 cents heretofore levied on each \$100.00 of the assessed value of taxable property as shall not be required for the relief of needy Confederate soldiers and sailors and their widows in the manner and to the extent now provided by law is hereby pledged. All of the said securities shall be payable in gold coin of the United States of the present standard weight and fineness. All the said securities when issued shall be a direct obligation of the State of Alabama and for the prompt and faithful payment of principal and interest thereon the full faith and credit of the State of Alabama is hereby irrevocably pledged, and such securities shall be exempt forever from all taxes of every kind.

SECTION 3: That it shall be the duty of the Governor to fix the date of said election and to give notice by proclamation to be published in one newspaper in each County in the State at least eight successive weeks next preceding the date of the said election of the amendment proposed by this Act to be submitted to the qualified electors of this State for their ratification or rejection.

SECTION 4: That at the said election to be held as herein provided, the qualified electors shall vote upon the said proposed amendment, and on the official ballot provided for such election there shall be printed the said proposed amendment according to the words and figures hereinabove set out and shown in Section 2 of this Act, and also thereafter the words "Yes," and "No." The choice of the elector shall be indicated by a cross-mark made by him opposite the word expressing his desire and the following words shall be printed on the said ballot before the said proposed amendment: "Shall the following be adopted as an amendment to the Constitution of Alabama?" The officers holding the said elec-

tion shall be appointed in the same manner and by the same officials as provided by the election law of the State for the appointment of officers to hold other general elections in the State and the election shall be held in all respects in accordance with the law governing general elections and with the provisions of the Constitution concerning amendments thereto. The votes cast at the said election shall be counted, canvassed and returns thereof made to the Secretary of State in the same manner as in elections for representatives in the Legislature. The result of the said election shall be made known by proclamation of the Governor and if a majority of all of the qualified electors who voted at the said election upon the proposed amendment shall have voted "Yes," the said amendment from the date of the said proclamation shall be valid to all intents and purposes as a part of the Constitution of Alabama and as an Article thereof.

SECTION 5: That the expenses of the election herein provided for and the costs of publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other general elections are paid.

On motion of Mr. Scruggs, said substitute was laid on the table.
Yeas, 24; nays, 8.

Yeas:

Messrs.:

Bartlett	Darden	Hubbard	Powell
Beasley	Delony	Kelley	Riddle
Brown	Duncan	Lapsley	Scruggs
Caffey	Garrett	McDaniel	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hooton	Mullins	Wikle

—24

Nays:

Messrs.:

Bonner	Faulk	Jordan	Shepherd
Edmundson	Hildreth	McDowell	Teasley

—8

Mr. Bonner offered the following amendment to said bill, to-wit:

Amend the tittle to H. 55 so that the same shall read as follows:

A BILL

To be entitled An Act to propose an amendment to the Constitution of Alabama, recognizing as a lawful debt of the State an amount equal to the total principal amount of warrants and notes issued by the State, or any duly constituted agency of the State (other than Counties and municipalities within the State) prior to August 1, 1932, which warrants and notes have been registered with the State Treasurer before August 1, 1932, or which may be so registered on or prior to Dec. 31, 1932, in accordance with provisions for such registration which shall have been made by the

Legislature, and which warrants and notes were, before Aug. 1, 1932, held by any person, firm, corporation or entity other than a Commission, department or branch of the State Government, and providing that such warrants and notes shall bear interest at the rate of five per centum from and after Aug. 1, 1932, payable semi-annually on the 1st days of February and August of each year, and providing for the maturity of such notes and warrants, and the payment of the same; and providing for the transfer of the same, and making the same a direct obligation of the State and pledging the full faith and credit of the State for the payment of the same, and for the exemption of the same from taxation; and providing that such indebtedness shall be in addition to the indebtedness of the State of Alabama heretofore within the legal limit of the indebtedness of the State under the State Constitution."

Amend H. B. 55 by striking from Section 1, and from Section 3 of said bill, all that part of each of said Sections which commences with the words, "Article XXIII," and ends with the words, "shall be negotiated," and insert in lieu thereof in each of said Sections the following:

"Article XXIII. In addition to the indebtedness of the State of Alabama heretofore within the legal limit of such indebtedness under the State Constitution there is hereby recognized as a lawful debt of the State an amount equal to the total principal amount of warrants and notes issued by the State or any duly constituted agency of the State (other than counties or municipalities within the State) prior to August 1, 1932, which warrants and notes have been registered with the State Treasurer before August 1, 1932, or may be so registered on or prior to December 31, 1932, in accordance with provision for such registration which shall have been made by the legislature, and which warrants and notes were before August 1, 1932, held by any person, firm, association, corporation or entity other than a commission, department or branch of the State government. Any and all such warrants and notes bearing notation of registration signed by the State Treasurer and State Auditor certifying that the same was duly issued and is genuine and signed with the genuine signatures of officials of the State, shall bear interest at the rate of five (5) per cent per annum from and after August 1, 1932, payable semi-annually on the 1st days of February and August in each year, and the principal amount thereof shall in any event be due and payable August 1, 1947. The said warrants and notes shall be a direct obligation of the State of Alabama, and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged, and such warrants and notes shall be exempt forever from all taxes of every kind. Such warrants and notes shall be transferable by registration of transfer with the State Treasurer. Interest thereon and principal thereof shall be paid only to or upon the written order of the registered holder. As and when from

time to time there are in the opinion of the Governor and the State Treasurer available surpluses in the State Treasury for application towards payment of the principal of such warrants and notes such surpluses shall be applied pro rata to such payments with accrued interest to the date of payment after thirty days notice by mail to each registered holder whose address is known and by publication in a newspaper published and of general circulation in Montgomery, Alabama, specifying the date fixed for payment, upon presentation of the warrants or notes at the office of the State Treasurer for notation thereon of the amount and date of principal payment. From and after the date fixed for payment specified in each such notice no interest shall accrue or be payable on the amount of principal specified to be paid. Each such notice by mail shall specify the amount of principal to be paid to the holder to whom addressed. Each such published notice shall specify the total amount of principal payment applicable to all such warrants and notes.

It shall be unlawful from and after the adoption of this amendment for any officer, agent or employee of the State or of any commission, department or branch of the State government to make, sign or issue any warrant or order for the payment of money when there are not in the fund upon which the same is drawn sufficient monies after payment of all other then out standing orders for payment out of or charges against such fund to pay such warrant or order. Any violation hereof shall subject the guilty official to forfeiture of his office which may be declared by any Court of this State upon the complaint of any citizen of the State and shall further be a misdemeanor punishable by imprisonment for not over six months and fine of not over five hundred dollars in the discretion of the Court. Any Court of this State shall have jurisdiction in the premises upon complaint of any citizen of the State.

For the payment of the principal and interest of the warrants and notes hereby recognized as a legal debt of this State the Legislature may from time to time make such provision for the application of specific sources of taxation as it may see fit.

And, on motion of Mr. Scruggs, the amendment was laid on the table.

Yeas, 25; nays, 8.

Yeas:

Messrs.:

Bartlett	Darden
Beasley	Delony
Brown	Duncan
Caffey	Garrett
Cooper	Goodwin
Cowart	Hooton
Craft	

Hubbard

Kelley

Lapsley

McDaniel

Millsap

Mullins

Powell

Riddle

Scruggs

Walker

Warren

Wikle

*Nays:**Messrs.:*

Bonner	Faulk	Hildreth	Shepherd
Edmundson	Jordan	McDowell	Teasley

—8

Mr. Bonner also offered the following amendment to said bill to-wit:

Amend H. B. 55 by striking out the words, "six per cent," where ever they appear in the bill, and inserting in lieu of such words, the words:—"four and three quarters per cent."

On motion of Mr. Scruggs, the amendment was laid on the table.

Yeas, 22; nays, 8.

*Yeas:**Messrs.:*

Bartlett	Craft	Hubbard	Powell
Beasley	Darden	Lapsley	Riddle
Brown	Duncan	McDaniel	Scruggs
Caffey	Garrett	Millsap	Walker
Cooper	Goodwin	Mullins	Wikle
Cowart	Hooton		

—22

*Nays:**Messrs.:*

Bonner	Hildreth	Kelley	Shepherd
Faulk	Jordan	McDowell	Teasley

—8

Said bill, H. 55, was then read a third time at length and passed.

Yeas, 26; nays, 6.

*Yeas:**Messrs.:*

Bartlett	Darden	Jordan	Powell
Beasley	Delony	Kelley	Riddle
Brown	Duncan	Lapsley	Scruggs
Caffey	Garrett	McDaniel	Shepherd
Cooper	Goodwin	Millsap	Walker
Cowart	Hooton	Mullins	Wikle
Craft	Hubbard		

—26

*Nays:**Messrs.:*

Bonner	Faulk	McDowell	Teasley
Edmundson	Hildreth		

—6

BILLS INDEFINITELY POSTPONED

On motion of Mr. Powell, further consideration of the bill:

S. 37. To propose an amendment to the Constitution of Alabama to be known as "Article XXII", authorizing the Legislature to levy an income tax for the calendar year, 1932, and for each year thereafter; to provide that income shall not be considered property for tax purposes, and to provide that the Legislature shall reduce the ad valorem tax when the revenue derived from an income tax will justify.

Was indefinitely postponed by the Senate.

On motion of Mr. Scruggs, further consideration of the bill:

S. 33. To propose an amendment to the Constitution of Ala-

bama to be known as "Article XXIII" authorizing the State to issue and sell negotiable interest bearing bonds in an amount not to exceed Twenty Million Dollars (\$20,000,000.00) in addition to all other bonds of the State; to provide that such bonds shall be free from taxes; to provide that such bonds shall be the general obligation of the State and to provide for a sinking fund to pay the interest and principal.

Was indefinitely postponed by the Senate.

BILLS ON THIRD READING

The bill:

H. 40. To repeal an Act of the Legislature of Alabama passed June 30, 1931 entitled "An Act to provide for and submit to the qualified electors of this State an amendment to the Constitution of Alabama authorizing the governing authorities of the City of Mobile at any time and from time to time to call an election and submit to the qualified voters of said city a proposal or proposals to increase the limit upon the aggregate amount of ad valorem taxes that may be levied by said city in any one tax year for all purposes, beyond one and one tenth (1.1) per centum of the value of property therein as assessed for State taxation during the preceding year, by thereafter levying and collecting and to thereafter levy and collect, an additional tax or taxes on the property situated therein at not exceeding such rate as may be submitted in such proposal; and authorizing said city, after securing the approval thereof by a majority of the qualified electors of such city voting at any such election to thereafter annually levy and collect for the purpose or purposes specified in said proposal, an additional tax or taxes on the property situated therein at not exceeding such rate as shall have been approved at such election, and prescribing a limit upon the amount of ad valorem taxes that may be levied and collected by said city for all purposes, and ordering an election by the qualified voters of the State upon such proposed amendment, and fixing the time for holding such election."

Was read a third time at length and passed.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden	Hildreth		

—34.

The bill:

H. 41. To repeal an Act of the Legislature of Alabama passed July 25, 1931 entitled "An Act to propose an amendment to the

Constitution of Alabama to authorize Mobile County, through a commission to be appointed as shall be provided by the Legislature for that purpose, to purchase, build, or otherwise acquire and maintain and operate embankments, sea walls, and other protection against seas, waves, tides, storms and floods in the County of Mobile along or near the shores of said County which border upon tidal waters, and to purchase, build or otherwise acquire and maintain and operate all appurtenances and improvements of whatsoever nature necessary or useful thereto, including jetties, wharves, roads, boulevards, parks, ornamental lighting systems, buildings, and recreation facilities; to authorize Mobile County to issue bonds for such purposes; to provide for the payment of such bonds; to authorize a county excise license tax on the distribution of motor vehicle fuels and lubricating oils, to authorize said County to levy special assessments against property benefitted by such improvements; to authorize the allocation of State excise taxes on motor fuels, and State license taxes on motor vehicles, tractors, busses, trailers, and trucks to Mobile County for such purposes; to authorize the creation of a revolving fund to assure the payment of such bonds and the levy of taxes for the replenishment of such funds; to authorize the Legislature to adopt local Acts in furtherance of the purposes of said amendment; to ratify certain Acts adopted by the 1931 Alabama Legislature; and to provide for the submission of said amendment to the qualified electors of the State of Alabama.

Was read a third time at length and passed.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden	Hildreth		

—34

The bill:

H. 48. To repeal an Act of the Legislature of Alabama passed June 30, 1931 entitled "An Act to provide for and submit to the qualified electors of the State of Alabama an amendment to the Constitution of Alabama prescribing certain conditions under and the extent to and the purposes for which the City of Mobile may become indebted beyond the limit fixed by Section 225 of the Constitution and ordering an election by the qualified voters of the State upon such proposed amendment, and fixing the time for holding the said election."

Was read a third time at length and passed.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Farmer	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—34

The bill:

S. 72. To provide for the propounding and prosecution of a claim or claims by and in the name of the State of Alabama against the Government of the United States of America for the recovery, under the present laws of the United States or such as may be hereafter enacted, from said Government of all moneys heretofore paid illegally into the Federal treasury as a direct tax upon property situated in the State of Alabama; to provide for the recovery of same; to authorize the Governor of the State to employ counsel and enter into the necessary contracts and agreements for the carrying out of the object of this Act; to provide for notice to and procedure by claimants of such moneys and to fix a prescription period after which such moneys shall escheat to and become the absolute property of the State of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Mullins
Beasley	Delony	Hubbard	Powell
Brown	Duncan	Kelley	Scruggs
Caffey	Faulk	Lapsley	Shepherd
Cowart	Fletcher	McDaniel	Teasley
Craft	Garrett	McDowell	Wikle

—24

The bill:

S. 79. To provide for the special relief of J. A. Kizer by making an appropriation to compensate him for injuries received while he was employed by the Alabama Insane Hospital.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill to-wit:

Amend Senate Bill 79 by striking out the words "Three Thousand" where they appear in Sections 1 & 2 of said Act, and insert in lieu thereof the words, "Twenty-five Hundred".

Which was adopted.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Brown	Duncan	Kelley	Scruggs
Caffey	Edmundson	Lapsley	Shepherd
Cowart	Faulk	McDaniel	Teasley
Craft	Garrett	McDowell	Walker
Darden	Hooton	Mullins	Wikle

—24

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; nays, 2.

Yeas:

Messrs.:

Bartlett	Craft	Hooton	Powell
Beasley	Darden	Hubbard	Scruggs
Bonner	Delony	Kelley	Teasley
Brown	Duncan	Lapsley	Walker
Caffey	Garrett	McDaniel	Warren
Cooper	Hildreth	Mullins	Wikle
Cowart			

—25

Nays: Messrs. Faulk and Shepherd

— 2

The bill:

S. 95. To repeal "An Act to advance the cause of education by exempting from taxation in this State all property, real and personal, by whomsoever owned, and whether assessed or not, during the entire time, including the current tax-year, the net income, rents and returns from which are used, or are to be used, exclusively for educational purposes in the State of Alabama other than for schools owned or controlled by any religious sect or denomination," approved September 9, 1927.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Mullins
Beasley	Delony	Hooton	Powell
Bonner	Duncan	Hubbard	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Walker
Cowart	Garrett	McDowell	Wikle
Craft	Goodwin		

—26

The bill:

S. 70. To authorize the Superintendent of Banks to co-operate with the depositors and common creditors of a closed bank in working out plans to reorganize and reopen the bank and to empower him to do all things necessary in connection therewith to make the bank safe and solvent after the plan has been submitted to and approved by the court having jurisdiction.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 27; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Hildreth	Millsap
Beasley	Darden	Hooton	Mullins
Bonner	Delony	Hubbard	Powell
Brown	Duncan	Jordan	Scruggs
Caffey	Faulk	Lapsley	Shepherd
Cooper	Garrett	McDaniel	Walker
Cowart	Goodwin	McDowell	

—27

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill and House Joint Resolution, your signature thereto is requested:

H. 74. To propose an amendment to the Constitution of Alabama to be known as "Article XXII", authorizing the Legislature to levy an income tax for the calendar year, 1932, and for each year thereafter; to provide that income shall not be considered property for tax purposes, and to provide that the Legislature shall reduce the ad valorem tax when the revenue derived from an income tax will justify.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is the 8th day of November, 1932, this being the date of the general election next succeeding the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

Article XXII. The Legislature shall have the power to levy and collect taxes for State purposes on net incomes from whatever source derived within this State, including the incomes derived from salaries, fees and compensation paid by the State, County, Municipality and any agency or creature thereof, for the calendar year, 1932, and thereafter, and to designate and to define the incomes to be taxed and to fix the rates of taxes. Income shall not be deemed property for purposes of ad valorem taxes. From net incomes an exemption of Fifteen Hundred Dollars (\$1500.00) shall be allowed to unmarried persons and an exemption of Three Thousand Dollars (\$3,000.00) shall be allowed to the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. The Legislature shall reduce the ad valorem tax from

time to time when and to such an amount as the revenue derived from the income tax will justify. In the event the Legislature levies an income tax, such tax must be levied upon the salaries, incomes, fees, or other compensation of State, County and Municipal Officers and employees, on the same basis as such income taxes are levied upon other persons.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State, once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz: Shall the following be adopted as an Amendment to the Constitution of Alabama?

Article XXII. The Legislature shall have the power to levy and collect taxes for State purposes on net incomes from whatever source derived within this State, including the incomes derived from salaries, fees and compensation paid by the State, County, Municipality and any agency or creature thereof, for the calendar year, 1932, and thereafter, and to designate and to define the incomes to be taxed and to fix the rates of taxes. Income shall not be deemed property for purposes of ad valorem taxes. From net income an exemption of Fifteen Hundred Dollars (\$1500.00) shall be allowed to unmarried persons and an exemption of Three Thousand Dollars (\$3,000.00) shall be allowed to the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. The Legislature shall reduce the ad valorem tax from time to time when and to such an amount as the revenue derived from the income tax will justify. In the event the Legislature levies an income tax, such tax must be levied upon the salaries, incomes, fees, or other compensation of State, County and Municipal Officers and employees, on the same basis as such income taxes are levied upon other persons. (Yes_____) (No_____).

Section 4. The officers of the general election shall open a poll for the vote of the qualified electors upon the proposed amendment.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Con-

stitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Also:

H. J. R. 27. Extending an invitation by the Legislature of Alabama to Governor Franklin D. Roosevelt of New York, the Democratic Nominee for President of the United States, to include Muscle Shoals, Alabama, in his itinerary and to deliver one of his major campaign speeches at this point.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

SIGNING OF BILL AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and Joint Resolution, the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate.

By Mr. Taylor:

H. 111. To provide for and submit to the qualified electors of the State of Alabama; at the general election next succeeding the present session of the Legislature at which the amendment is proposed; an amendment to the Constitution of Alabama whereby the Legislature of Alabama may, from time to time, by general or local laws, fix, regulate and alter the costs, fees, commissions, allowances or salaries, including the method and basis of their compensation, to be charged or received by tax assessors and tax collectors for assessing and collecting taxes levied for public school purposes in Mobile County, providing, however, that the cost of publication of the Governor's proclamation of such election shall not be borne by the State of Alabama, and empowering the Board of School Commissioners of Mobile County to incur and pay such cost and expense; and whereby all acts of the Legislature heretofore passed and applicable, or purporting to be applicable, to Mobile County, and fixing, or purporting to fix, the compensation of tax assessors and tax collectors for assessing and collecting special taxes for public school purposes, on a salary basis, are validated and confirmed.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified

electors of the State of Alabama, for their consideration at the general election next succeeding the present session of the Legislature at which this amendment is proposed, to-wit: "The Legislature of Alabama may, from time to time, by general or local laws, fix, regulate and alter the costs, fees, commissions, allowances or salaries, including the method and basis of their compensation, to be charged or received by tax assessors and tax collectors for assessing and collecting taxes levied for public school purposes in Mobile County; provided, however, that no cost or expense of the publication of the Governor's proclamation giving notice of such election together with the proposed amendment, shall accrue to or fall upon the State of Alabama, and the Board of School Commissioners of Mobile County is hereby empowered and authorized to incur and pay the said costs and expenses of the publication of the Governor's proclamation. All acts of the Legislature heretofore passed and applicable, or purporting to be applicable, to Mobile County, and fixing, or purporting to fix, the compensation of tax assessors and tax collectors, for assessing and collecting special taxes for public school purposes, on a salary basis, are hereby validated and confirmed."

Section 2. That notice of the election hereby ordered, with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each County in the State for at least eight (8) successive weeks next preceding the date hereby appointed for such election.

Section 3. That at the time of holding the general election next succeeding the present session of the Legislature at which this amendment is proposed, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, namely:

"Shall the following be adopted as an amendment to the Constitution of the State of Alabama:

"The Legislature of Alabama may, from time to time, by general or local laws, fix, regulate and alter the costs, fees, commissions, allowances or salaries, including the method and basis of their compensation, to be charged or received by tax assessors and tax collectors for assessing and collecting taxes levied for public school purposes in Mobile County; provided, however that no cost or expense of the publication of the Governor's proclamation giving notice of such election together with the proposed amendment, shall accrue or fall upon the State of Alabama, and the Board of School Commissioners of Mobile County is hereby empowered and authorized to incur and pay the said costs and expenses of the publication of the Governor's proclamation. All acts of the Legislature heretofore passed and applicable, or purporting to be applicable, to Mobile County, and fixing, or purporting to fix, the com-

pensation of Tax Assessors and Tax Collectors, for assessing and collecting special taxes for public school purposes, on a salary basis, are hereby validated and confirmed."

Following the proposed amendment on the ballot shall be printed the word "Yes," and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by a cross mark by him opposite the word expressing his desire. Officers of such general election shall be the officers of the election hereby called, and such election shall be held in all things in accordance with the laws governing general elections and the Constitutional provisions respecting amendments to the Constitution. In the election so held upon such proposed amendment, the votes cast thereat shall be canvassed and tabulated, and returns thereof be made to the Secretary of State, and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon such proposed amendment voted in favor of the same, said amendment shall be valid to all intents and purposes as part of the Constitution of Alabama. The result of said election shall be made known by the proclamation of the Governor.

Section 4. The expense of the election herein provided for shall be paid out of the State Treasury, in the same manner as the expenses of other elections are paid, but no part of the cost and expense of the publication of the Governor's proclamation giving notice of the said election together with the proposed amendment, shall be borne or paid by the State of Alabama, but shall be defrayed by the Board of School Commissioners of Mobile County, and the said Board of School Commissioners of Mobile County is hereby authorized and empowered to incur and pay such expense.

Also:

By Mr. Givhan:

H. 182. To propose an amendment to the Constitution of Alabama to be known as "Article XXV" providing that each municipality and each County in the State be authorized to borrow money from the Reconstruction Finance Corporation under the Emergency Relief and Construction Act of 1932, (Approved July 21, 1932), and to use funds borrowed in furnishing relief and work relief to needy and distressed people and in relieving the hardship resulting from unemployment and to authorize each city and county to appropriate its funds for the relief of the needy and to make legal any appropriation that may have already been made for this purpose, and to ratify any agreement which may have been entered into by any municipality or county with the Governor or with the Reconstruction Finance Corporation with the approval of the Governor.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is the 8th day of November, 1932, this being the date of the general election next succeeding the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

Article XXV. Each municipality and each county in the State is hereby authorized to borrow money from the Reconstruction Finance Corporation under the Emergency Relief and Construction Act of 1932, (Approved July 21, 1932), and to use such funds in furnishing relief and work relief to needy and distressed people and in relieving the hardships resulting from unemployment, and to enter into an agreement, or agreements, with the Reconstruction Finance Corporation for the repayment of the amount so borrowed with interest, and any agreement entered into by any municipality or county with the Governor or with the Reconstruction Finance Corporation with the approval of the Governor, is hereby ratified. The amount which each municipality and each county can borrow or assumed from the Reconstruction Finance Corporation is in addition to any other indebtedness now authorized by law, and any provision of the Constitution or of the Statutes with reference to limiting the amount which any county or any municipality can borrow shall mean an amount in addition to any amount borrowed from the Reconstruction Finance Corporation. Each municipality and each county in the State is authorized to appropriate funds for furnishing relief and work relief to needy and distressed people and to relieve the hardships resulting from unemployment, and any appropriation that may have heretofore been made by any municipality or county is hereby declared to be legal.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State, once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz:

Shall the following be adopted as an amendment to the Constitution of Alabama?

Article XXV. Each municipality and each county in the State is hereby authorized to borrow money from the Reconstruction Finance Corporation under the Emergency Relief and Construction Act of 1932, (Approved July 21, 1932), and to use such funds in furnishing relief and work relief to needy and distressed people

and in relieving the hardships resulting from unemployment, and to enter into an agreement, or agreements, with the Reconstruction Finance Corporation for the repayment of the amount so borrowed with interest, and any agreement entered into by any municipality or county with the Governor or with the Reconstruction Finance Corporation with the approval of the Governor, is hereby ratified. The amount which each municipality and each county can borrow or assumed from the Reconstruction Finance Corporation is in addition to any other indebtedness now authorized by law, and any provision of the Constitution or of the Statutes with reference to limiting the amount which any county or any municipality can borrow shall mean an amount in addition to any amount borrowed from the Reconstruction Finance Corporation. Each municipality and each county in the State is authorized to appropriate funds for furnishing relief and work relief to needy and distressed people and to relieve the hardship resulting from unemployment, and any appropriation that may have heretofore been made by any municipality or county is hereby declared to be legal. (Yes____) (No____).

Section 4. The officers of the general election shall open a poll for the vote of the qualified electors upon the proposed amendment.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The results of such election shall be made known by a proclamation of the Governor.

Also:

By Mr. Miller:

H. 56. To authorize and provide for the issuance and sale of State bonds for the purpose of paying the outstanding debts of the State of Alabama as of September 30, 1932, as authorized by the Constitutional Amendment known as Article XXIII of the Constitution of Alabama; and to authorize the Governor, in his discretion, to use the bonds as collateral security for any temporary loans that may be made to the State, the proceeds of which are to be used in paying the indebtedness due September 30, 1932, or any part of it.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once at length, as required by the Constitution, and referred to appropriate Standing Committee as follows:

House bills 111, 182, and 56 to the Committee on Constitution and Constitutional Revision and Amendments.

COMMUNICATION FROM THE SUPREME COURT
SUPREME COURT OF ALABAMA—JUDICIAL DEPARTMENT
RESPONSE OF THE JUSTICES.

To the Honorable Senate of Alabama:

Replying to your inquiry concerning Senate Bill 51, the undersigned Justices of the Supreme Court of Alabama are of the opinion that the financial scheme therein disclosed is, without reference to any other provision of the Constitution, violative of section 213 of our State Constitution.—**In re. Opinion of the Justices**, 223 Ala. 130, 136 So. 489.

We are of the opinion that the bill here proposed is to be differentiated from the act considered in **Alabama State Bridge Corporation, et al. v. Smith**, 217 Ala. 311.

Signed, this the 31st day of August, 1932.

J. W. ANDERSON,
Chief Justice.
LUCIEN D. GARDNER,
Associate Justice.
WILLIAM H. THOMAS,
Associate Justice.
VIRGIL BOULDIN,
Associate Justice.
JOEL B. BROWN,
Associate Justice.
A. B. FOSTER,
Associate Justice.
THOMAS E. KNIGHT,
Associate Justice.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 34. Endorsing and recommending the Honorable John McDuffie of Alabama for the office of Speaker of the House of Representatives of the Congress of the United States.

And returns same herewith to the Senate.

J. H. Stewart, Clerk.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, have compared the following engrossed bill with the original bill, and find same correctly engrossed, to-wit:

S. 79. To provide for the special relief of J. A. Kizer by making an appropriation to compensate him for injuries received while he was employed by the Alabama Insane Hospital.

RECESS

At 12:15 P. M., on motion of Mr. Powell the Senate took a recess until four-thirty this afternoon.

AFTERNOON SESSION—EIGHTH DAY

Wednesday, August 31st, 1932.

The Senate re-assembled at 4:30 o'clock P. M., Lieutenant-Governor Merrill, presiding.

ROLL CALL

Upon a call of the roll of the Senate, the following members answered to their names, a quorum of the Senate:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

INTRODUCTION OF BILL

Upon a call of districts a bill was introduced, read one time, and referred to appropriate standing committee, as follows:

By Mr. Duncan:

S. 113. To amend Section 6336 of the Code of Alabama of 1923 as amended by "An act of the Legislature approved July 2nd, 1931."

Committee on Banking and Insurance.

REPORTS OF COMMITTEES

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cowart (with notice and proof):

S. 89. To amend a local act of the Legislature of Alabama for Winston County approved Feb. 11, 1927, and found on page 23 of Local Acts 1927, by amending Section 4, thereof, as to regulate or fix the salary of the County Superintendent of Education not to exceed \$2000.00 per annum; also provide for office help, if any, not to exceed one employee and salary therefor.

Mr. Hubbard, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was severally read a second time and placed on the calendar, to-wit:

By Mr. Delony:

S. 105. To amend Section 246 of the Educational code of Alabama, approved August 27, 1927.

Mr. Hildreth, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:
By Mr. Yerby:

H. J. R. 13. Ratifying Joint Resolution proposing an amendment to the Constitution of the United States fixing the terms of the President and Vice-President and members of Congress and fixing the time of the assembling of Congress.

ADVERSE REPORTS

Mr. Hubbard, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with an adverse report, and they were placed on the adverse calendar, to-wit:

By Mr. Bonner:

S. 26. To abolish the four State Normal Schools for white teachers located at Jacksonville, Livingston, Daphne, and Moundville, Alabama; to repeal all appropriations heretofore made for the said four State Normal Schools; and to provide for the sale and, pending a sale, the rental of all property owned by the State of Alabama and used by or in connection with the said four State Normal Schools.

By Mr. Bonner:

S. 27. To abolish all State Secondary Agricultural Schools in Alabama; to repeal all appropriations heretofore made for the said Schools; and to provide for the sale, and pending a sale, the rental of all property owned by the State of Alabama and used by or in connection with the said Schools.

Mr. Hildreth, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and said bill was placed on the adverse calendar, to-wit:

By Mr. Sparks:

H. 123. To propose an amendment to the Constitution of Alabama to be known as "Article XXIV" providing that all provisions of the Constitution which prohibit the Legislature from reducing the salary or compensation of any officer of the State, or of a county or municipality, during the term for which he has been elected, are suspended until October 1, 1935, and providing that any laws reducing such salaries, which may have been enacted since August 1, 1932, are ratified and confirmed and that this amendment to the Constitution will be void after October 1, 1935.

Mr. McDowell moved that said bill, H. 123, the title of which is set out in the foregoing report of the Committee on Constitution and Constitutional Revision and Amendments, be read a second time and placed on the calendar for a third reading, which motion prevailed and said bill, H. B. 123, the title of which is set out in the foregoing report of the Committee on Constitution and Constitutional Revision and Amendments, was read a second time at length, as required by the Constitution and placed on the calendar for a third reading on to-morrow.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution:

By Mr. Miller:

H. J. R. 35. RESOLVED by the House, the Senate concurring, That when the two Houses adjourn today, they adjourn to meet on Friday, September 2, 1932.

And sends same herewith to the Senate.

J. H. Stewart, Clerk.

HOUSE MESSAGE

On motion of Mr. McDaniel, the Senate concurred in and adopted H. J. R. 35, set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Sanderson:

H. 179. To permit purchasers, mortgagees or lien holders to pay a proportionate or ratable amount of taxes on personal property sold to such purchaser or subject to such mortgage or lien without paying the entire taxes which are a lien upon said property, and upon such payment to relieve such property from any further lien.

And sends same herewith to the Senate.

J. H. Stewart, Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee as follows:

H. 179 to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 18. To submit to the qualified voters of the State of Alabama, at the general election to be held in November, 1932, for their consideration, an amendment to the Constitution of the State of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, to fix, regulate and alter the costs, charges of courts, fees, commissions, allowances to be charged or received by any county office of Tuscaloosa County, Alabama, including the Sheriff, Judge of Probate, Tax Assessor, Tax Collector, Clerk of the Circuit Court and Register of the Chancery Court, and including the method or basis of their compensation, or to consolidate any of said offices into one.

And returns same herewith to the Senate.

J. H. Stewart, Clerk.

HOUSE MESSAGE

On motion of Mr. Jordan, the Senate non-concurred in the following amendment by the House to S. 18, the title of which is set out in the foregoing message from the House to-wit:

Substitute by Mr. Williams to Senate Bill No. 18:

A BILL

To be entitled An Act to submit to the qualified electors of the State of Alabama, at the general election to be held on the first Tuesday after the first Monday in November, 1932, for their consideration, an amendment to the Constitution of the State of Alabama, fixing the salary, compensation and allowances to be paid to the Judge of Probate, the Tax Assessor, and the Tax Collector of Calhoun County; and requiring said officers to cover the fees, compensations, and allowances collected by them into the county treasury of Calhoun County; and to authorize and empower the legislature of Alabama, from to time, by general or local laws, to fix, alter or regulate the salaries to be charged or received by any county office or officer in the following counties of Alabama:—Calhoun, Dallas, Etowah, Houston, Limestone, Talladega, Tallapoosa, and Tuscaloosa; including the method and basis of their compensation and the right to combine or abolish any of said office or officer or duties thereof; and to ratify any and all local acts heretofore passed by the legislature of Alabama fixing or attempting to fix the compensation of county officials.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, viz: commencing at the beginning of their next term of office subsequent to the general election to be held on the first Tuesday after the first Monday of November, 1932, the compensation and allowances of the following named officers of Calhoun County shall be as follows: Salary of Judge of Probate of Calhoun County \$5,-

000.00 per year net; allowance of \$3,720.00 per annum for office expense as follows: one clerk at \$1,620.00 per annum; one clerk at \$1,200.00 per annum; one clerk at \$900.00 per annum. The Tax Assessor of Calhoun County shall receive a salary of \$4,000.00 per year net; allowance of \$1,200.00 per year for one clerk and \$1,000.00 per annum for extra help. The Tax Collector of Calhoun County shall receive a salary of \$4,000.00 per year net; allowance of \$1,200.00 per year for one clerk and \$600.00 per annum for extra help. Payment for clerk and extra help shall be made by the County Treasurer upon an order signed by the officer in whose office the clerk and extra help was employed, directing to whom any amounts shall be paid. The above named amounts shall be in lieu of all compensations and allowances to the respective named officers, and to all compensation and allowances that may be hereafter allowed said officers. These amounts shall be paid out of the county treasury of Calhoun County monthly as the salaries of other county officers are paid. The above named officers shall collect the fees heretofore collected by them, or which may hereafter be collected by them, and shall cover such fees into the county treasury on the first day of each month. The Board of Revenue of Calhoun County shall provide said officers with necessary quarters, books, stationery, and other conveniences. The Legislature of Alabama may hereafter from time to time, by general or local laws, fix, regulate and alter fees, commissions, allowances or salaries to be charged or received by any office or officers in the following counties of Alabama:—Calhoun, Dallas, Etowah, Houston, Limestone, Talladega, Tallapoosa, and Tuscaloosa, including the method and basis of their compensation, and provided further that the legislature shall have the power to combine, consolidate or abolish any county office or officers, or the duties of any of said officers, in any or all of the above named counties.

Section 2. All local acts heretofore passed by the Legislature of Alabama fixing or attempting to fix the salaries and compensations received or to be received by the county officers of any of the counties hereinabove named is hereby ratified.

Section 3. That it shall be the duty of the Governor to give notice of proclamation to be published in one newspaper in each county in the State, at least eight consecutive weeks, next preceding the general election in November, 1932, of the election on the amendment proposed by this act, to be submitted to the qualified voters of the State, for their consideration, together with the proposed amendment.

Section 4. That at the general election in November, 1932, an election shall be held for the vote of the qualified electors of the State upon the proposed amendment. Upon the ballots used in such election shall be printed the following:—

“That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Ala-

bama for their consideration as hereinafter set forth, viz: commencing at the beginning of their next term of office subsequent to the general election to be held on the first Tuesday after the first Monday of November, 1932, the compensation and allowances of the following named officers of Calhoun County shall be as follows: Salary of Judge of Probate of Calhoun County \$5,000.00 per year net; allowance of \$3,720.00 per annum for office expense as follows: one clerk at \$1,620.00 per annum; one clerk at \$1,200.00 per annum; one clerk at \$900.00 per annum. The Tax Assessor of Calhoun County shall receive a salary of \$4,000.00 per year net; allowance of \$1,200.00 per year for one clerk and \$1,000.00 per annum for extra help. The Tax Collector of Calhoun County shall receive a salary of \$4,000.00 per year net; allowance of \$1,200.00 per year for one clerk and \$600.00 per annum for extra help. Payment for clerk and extra help shall be made by the County Treasurer upon an order signed by the officer in whose office the clerk and extra help was employed, directing to whom any amounts shall be paid. The above named amounts shall be in lieu of all compensations and allowances to the respective named officers, and to all compensation and allowances that may be hereafter allowed said officers. These amounts shall be paid out of the county treasury of Calhoun County monthly as the salaries of other county officers are paid. The above named officers shall collect the fees heretofore collected by them or which may hereafter be collected by them, and shall cover such fees into the county treasury on the first day of each month. The Board of Revenue of Calhoun County shall provide said officers with necessary quarters, books, stationery, and other conveniences. The Legislature of Alabama may hereafter from time to time, by general or local laws, fix, regulate and alter fees, commissions, allowances or salaries to be charged or received by any office or officers in the following counties of Alabama:—Calhoun, Dallas, Etowah, Houston, Limestone, Talladega, Tallapoosa, And Tuscaloosa, including the method and basis of their compensation, and provided further that the legislature shall have the power to combine, consolidate or abolish any county office or officers, or the duties of any of said officers, in any or all of the above named counties. "All local acts heretofore passed by the Legislature of Alabama fixing or attempting to fix the salaries and compensations received or to be received by the county officers of any of the counties hereinabove named is hereby ratified."

Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by the cross mark by him opposite the word expressing his desire.

Section 5. The officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such

proposed amendment the votes there at shall be canvassed, tabulated and the returns thereof made to the Secretary of State, and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Amendment by Glover of Henry to Substitute to S. 18.

Amend the title of Substitute to S. 18 by changing semicolon after the word "Tuscaloosa", in line 12, to a comma and adding the following: "Chambers, Chilton, Colbert, Covington, Elmore, Henry, Jackson, Lamar, Lauderdale, Lawrence, Shelby, Walker;"

Amend Section 1 of said Substitute by adding after the comma following the word "Tuscaloosa", in line 32, the following: "Chambers, Chilton, Colbert, Covington, Elmore, Henry, Jackson, Lamar, Lauderdale, Lawrence, Shelby, and Walker,"

Amend Section 4 of said Substitute by adding after the comma following the word "Tuscaloosa" in line 40, the following: "Chambers, Chilton, Colbert, Covington, Elmore, Henry, Jackson, Lamar, Lauderdale, Lawrence, Shelby, and Walker,"

And requests a committee of Conference.

Yeas, 21; nays, 1.

Yeas:

Messrs.:

Bartlett	Farmer	Jordan	Riddle
Beasley	Garrett	McDaniel	Scruggs
Darden	Goodwin	McDowell	Walker
Delony	Hildreth	Mullins	Warren
Duncan	Hubbard	Powell	Wikle
Edmundson			

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Nays: Mr. Hooton

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Thereupon, the President and presiding officer of the Senate appointed as conferees on part of the Senate Messrs. Jordan, Warren and Wikle.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journals of the Senate for the eighth legislative day, and finds same correct and containing all original entries and references thereto required by the Constitution.

Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and on motion of Mr. Farmer, said report was concurred in and the Journal of the Senate for the eighth legislative day approved by the Senate.

ADJOURNMENT

At 5:20 P. M. on motion of Mr. Mullins, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Friday, September 2nd, 1932, at 10 A. M.

NINTH DAY

Friday, September 2nd, 1932.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill, presiding.

PRAYER

Prayer by Dr. S. U. Turnipseed, of Forest Avenue Methodist Church, of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Edmundson
Farmer
Faulk
Fletcher
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Jordan
Kelley
Lapsley
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

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JOURNAL

On motion of Mr. Caffey, reading of the Journal was dispensed with and same approved.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Jordan:

S. 114. Relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for

actions to enjoin unfair competition and discrimination and to recover damages therefor, making the violation of the provisions of this act a misdemeanor and providing penalties.

Committee on Judiciary.

By Mr. Jordan:

S. 115. To protect trade mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade mark, brand or name.

Committee on Judiciary.

By Mr. Cowart:

S. 116. To amend Section 373 of the Code of Alabama of 1923.

Committee on Judiciary.

By Mr. Walker:

S. 117. To amend Section 5 of an Act entitled An Act "For the purpose of finding out new scientific facts in regard to the use of fertilizer for farm and truck crops, the adaptation and improvement of varieties of crops, the establishments and improvement of pastures, the production of feed and forage crops, the economic production and management of live-stock, the production of fruits, vegetables, nuts and citrus fruit; the control of insect pests, plant and live-stock diseases, and other similar important agricultural and economic problems having for their object the development of a more permanent, more profitable and diversified agriculture, there is hereby created and provision made for the maintenance of sub-agricultural experiment stations, one upon each of the five main large soil types of the State as represented in the Tennessee Valley, the Sand Mountain Section, the Black Belt, the Wiregrass and the Gulf Coast area; to create a commission to locate said sub-stations and to provide for its per diem and expenses; to provide for the carrying on of research work on Experimental Fields in different parts of the State; to make appropriations to the Board of Trustees of the Alabama Polytechnic Institute for carrying out the purposes of this Act; to provide for the administration and direction of this work; to authorize and empower county Board of Revenue or County Commissioners, or other bodies having similar jurisdiction in the several counties of the State, individuals, firms, organizations, corporations, companies or municipalities to make donations and appropriations for the purchase of land and equipment for said sub-stations; to authorize the Board of Trustees of the Alabama Polytechnic Institute to accept such donations, approved September 10, 1927."

Committee on Agriculture.

By Mr. Beasley:

S. 118. To prohibit any person, except a duly appointed agent or employee of an organized hunting and/or fishing club, in the

State of Alabama from accepting as informer's fee any part of any fine imposed on persons violating the game and fish laws of this state. To require courts and/or clerks of courts imposing fines for game and fish violations to remit same to the commissioner of game and fisheries, which fines shall be disposed of by said commissioner as provided by law; and providing penalties for violation of this act and providing for repeal of all laws in conflict with the provisions of this act.

Committee on Fish, Game and Forestry.

By Mr. Faulk:

S. 119. To prohibit the use by State officers and employees, of any money or property of the State of Alabama, in election campaigns or in securing the passage or defeat of proposed legislation (except in discharge of duties imposed by law on State officers or employees), and to provide a penalty for the violation of this act.

Committee on Privileges and Elections.

By Mr. Brown:

S. 120. To amend act No. 289 approved August 20, 1927, page 274, of acts 1927 amending Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of Alabama, 1923.

Committee on Privileges and Elections.

By Mr. Craft:

S. 121. To provide for the protection of green trout and fresh water game fish, speckled trout, flounders, sheepheads, and mullets, in any of the waters of the counties in Alabama having a population of not over four hundred thousand and not less than one hundred and fifteen thousand according to the last preceding United States Census or any succeeding United States Census.

Committee on Fish, Game and Forestry.

By Mr. Darden:

S. 122. In reference to and to further provide for general revenue of the State of Alabama.

Committee on Finance and Taxation.

By Mr. Scruggs:

S. 123. To create the Jefferson M. Falkner Preventorium, to provide for a board of trustees therefor and to define the duties and powers of such board, and fixing the terms of office of the members thereof; to provide for a superintendent of such preventorium, and to define his rights, duties, and powers; to provide for the fixing of charges for the patients or inmates admitted to said Preventorium, and for the payment of the same; and that the State Board of Health and Alabama Committee of Public Health shall advise and co-operate with said board of trustees and superintendent; to permit the use for such purposes of any part of the Jefferson M. Falkner Soldiers Home at Mountain Creek, Alabama, not needed for the use of the inmates of the said Soldiers Home;

and to permit the delivery to said preventorium for use therein of any live-stock, poultry, farm or dairy products belonging to the State, at the discretion of the Governor, for such purposes.

Committee on Public Health.

By Mr. Craft:

S. 124. For the preservation, conservation, development and improvement of the oyster reefs and beds in the waters of Alabama; for the preservation, conservation, development and improvement of the Oyster Industry in the State of Alabama and the territorial waters thereof; to regulate the manner and time of taking and catching oysters from the public waters of the State for planting purposes; to prescribe license fees for boats engaged in taking and catching oysters; to prescribe a tax upon oysters taken from the waters of Alabama for sale or for commercial purposes; to require the re-planting of oyster shells; to regulate the removal of oysters from the State; to provide for the leasing of water bottoms owned by the State; to fix the penalties for violation of this act; and generally, to regulate and control the Oyster Industry in the State and all matters connected therewith.

Committee on Fish, Game and Forestry.

By Mr. Craft:

S. 125. To encourage the building of bridges, causeways and other development work and relief work upon and abutting on tide lands, the title to or control of which may now or hereafter be vested in the State of Alabama, which shall not have been improved by or under valid public authority and shall not be otherwise devoted to public use, by authorizing the improvement and use thereof and of the abutting submerged lands so improved, and the vesting of title thereto in owners of the abutting riparian land, under and subject to the conditions and approval stated in the act.

Committee on Public Roads and Highways.

By Mr. Lapsley:

S. 126. To authorize the State Dock Commission to contract for workmen's compensation insurance for the benefit of its employees, and to pay therefor as a part of the expense of operating the State Docks.

Committee on Banking and Insurance.

REPORTS OF COMMITTEES

Mr. McDowell, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lapsley:

S. 104. To provide for the revision, codification, digesting and

promulgation of the public statutes of this State, both civil and criminal.

By Mr. Teasley:

S. 91. To amend Section 3991 of the Code of Alabama of 1923.

My Mr. Patterson:

S. 49. To amend Section 8822, of the Code of Alabama, 1923.

By Mr. Shepherd:

S. 59. To amend Section 8663 of the 1923 Code of Alabama.

By Mr. Farmer:

S. 101. To amend Section 7409 of the Code of Alabama, 1923.

By Mr. Hildreth:

S. 96. To amend Section 2216 of the Code of Alabama as Amended by Act of the Legislature of 1927, Approved September 10, 1927.

By Mr. Walker:

S. 46. To amend Section 50 of an Act of the Legislature of Alabama, approved September 10, 1927, and entitled "An Act to provide a Code of laws defining the powers of municipal corporations in this state with respect to the construction and maintenance of public improvements and betterments and the assessment of the whole or any part of the cost thereof against the abutting property, or property specially benefited or increased in value by reason of such improvements; and amending sections 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2236, 2237, of the Code of Alabama of 1923; and repealing Sections 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235 of said Code; and to repeal all laws in conflict with the same".

Mr. Hildreth, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Miller:

H. 56. To authorize and provide for the issuance and sale of State bonds for the purpose of paying the outstanding debts of the State of Alabama as of September 30, 1932, as authorized by the Constitutional Amendment known as Article XXIII of the Constitution of Alabama and to authorize the Governor, in his discretion, to use the bonds as collateral security for any temporary loans that may be made to the State, the proceeds of which are to

be used in paying the indebtedness due September 30, 1932, or any part of it.

The above bill was read a second time at length as required by the Constitution.

By Mr. Taylor:

H. 111. To provide for and submit to the qualified electors of the State of Alabama; at the general election next succeeding the present session of the Legislature at which the amendment is proposed; an amendment to the Constitution of Alabama whereby the Legislature of Alabama may, from time to time, by general or local laws, fix, regulate and alter the costs, fees, commissions, allowances or salaries, including the method and basis of their compensation, to be charged or received by tax assessors and tax collectors for assessing and collecting taxes levied for public school purposes in Mobile County, providing, however, that the cost of publication of the Governor's proclamation of such election shall not be borne by the State of Alabama, and empowering the Board of School Commissioners of Mobile County to incur and pay such cost and expense; and whereby all acts of the Legislature heretofore passed and applicable, or purporting to be applicable, to Mobile County, and fixing, or purporting to fix, the compensation of tax assessors and tax collectors for assessing and collecting special taxes for public school purposes, on a salary basis, are validated and confirmed.

The above bill was read a second time at length as required by the Constitution.

By Mr. Givhan:

H. 182. To propose an amendment to the Constitution of Alabama to be known as "Article XXV" providing that each municipality and each county in the State be authorized to borrow money from the Reconstruction Finance Corporation under the Emergency Relief and Construction Act of 1932 (approved July 21, 1932), and to use funds borrowed in furnishing relief and work relief to needy and distressed people and in relieving the hardship resulting from unemployment and to authorize each city and county to appropriate its funds for the relief of the needy and to make legal any appropriation that may have already been made for this purpose; and to ratify any agreement which may have been entered into by any municipality or county with the Governor or with the Reconstruction Finance Corporation with the approval of the Governor.

The above bill was read a second time at length as required by the Constitution.

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McClendon (with amendment and notice and proof):

H. 54. To authorize the Sheriff of St. Clair County, Alabama, to employ two chief deputy sheriffs, one to reside at Peil City, and the other to reside at Ashville; to fix the compensation of such chief deputies; to provide for the payment of same and the manner thereof; and to repeal all laws in conflict with this Act insofar as the same apply to said St. Clair County, Alabama.

Mr. Edmundson, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teasley:

S. 71. To amend Section 8563 of the Code of Alabama of 1923.

By Mr. Teasley:

S. 38. To protect the public from injury to person or property in the use of the public highways of this state; to provide for revocation or suspension of operators' or chauffeurs' license and motor vehicle licenses or registration certificates under certain facts and conditions to require any person under certain facts and conditions to give proof of his ability to respond in damages for any liability thereafter incurred, resulting from the operation, maintenance, use or operation thereafter of a motor vehicle for personal injury to or death of any one person in the amount of at least \$5,000.00 and subject to the aforesaid limit for any one person injured or killed, of at least \$10,000.00 for personal injury to or the death of two or more persons in any one accident and for damages to property in the amount of \$1,000.00 resulting from any one accident; to provide for and regulate insurance policies, indemnity bonds and deposits of cash or collateral as proof of ability to respond in damages as aforesaid; to provide for the enforcement of this Act and fix penalties for the violation thereof; to require the several courts of this State to furnish certified copies or transcript of the conviction of all persons convicted for the violation of any of the provisions of this Act; to provide for and authorize the commissioner to make rules and regulations necessary for the administration of this Act.

Mr. Hildreth offered the following Joint Resolution:

S. J. R. 35. Be it Resolved by the Senate, the House concurring, that when the two Houses adjourn to-day, they adjourn to meet again on Tuesday, September 6th., 1932, at 11 o'clock A.M.

And on motion of Mr. Hildreth, the rules were suspended and the resolution adopted.

Mr. Bonner offered the following Joint Resolution:

S. J. R. 36. Whereas, there is now pending in the Legislature, Senate Bill No. 25 which is of great importance to the people of

Alabama, and the constitutionality of the bill should be beyond question.

Therefore, be it resolved by the Senate, the House concurring, that the Justices of the Supreme Court of Alabama, or a majority thereof are hereby requested to render to the Legislature their written opinion, as provided under Section 10290 of the Code of Alabama, as to whether said Act violates said Section 71 of the Constitution of Alabama.

And on motion of Mr. Bonner, the rules were suspended and the resolution adopted.

Mr. Faulk offered the following Senate Resolution:

S. R. 37. Whereas—One Horace Wilkinson of Birmingham, mighty of the mightiest, than whom there is no whicker, has put his thumb down on our state treasurer, better known as “Balmy” Blan, and forced him to put the cover on the Legislative trough, and

Whereas, the said Horace Wilkinson is displaying as much zeal and interest in playing watch dog to the treasury as if he actually had the good of Alabama at heart, and

Whereas, the said Horace Wilkinson did not mention the many other state salaries that it should be a crime for the state officials to receive in these dire times, and

Whereas, we are therefore in the dark as to what expenses to curtail due to the great Wilkinson’s failure to point them out.

Now, therefore, be it resolved that we deplore the inadequate suggestions of the said Wilkinson, and stumble ahead in the darkness, trying in our feeble way to straighten B. Meek Miller’s household affairs in the best possible way, and call upon Divine Providence to send his ravens down and feed us until such a time as “Balmy” Blan may rise up in wrath and shake off the Wilkinsonian shackles that now lock the state treasury.

Which was ready and referred to the Standing Committee on Rules.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled Senate Joint Resolution with the engrossed and original resolution, and finds same correctly enrolled, to-wit:

S. J. R. 34. Endorsing and recommending the Honorable John McDuffie of Alabama, for the office of Speaker of the House of Representatives of the Congress of the United States.

T. A. Goodwin,
Chairman.

SIGNING OF RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing resolution, the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

BILLS REPORTED AND RE-REFERRED

Mr. McDowell, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills, and ordered same returned to the Senate with a request that they be re-referred to the Standing Committee on Finance and Taxation, to-wit:

S. 100. To prohibit and make unlawful for the Public Service Commission of Alabama, to authorize or empower any person, firm, corporation, or association, exercising the rights and powers of a Public Utility in this State to charge or place in their accounts to the people of Alabama for their services or sales of their commodities any penalty of forfeiture; to prohibit and to make it unlawful for any person, firm, corporation or association, exercising the rights and powers and franchises of a Public Utility in the State of Alabama, to charge into their accounts, or to collect or to undertake to collect any penalty or forfeiture from the people of Alabama for and on account of current or past due accounts for their services or for the sale or price of any of their commodities; and to provide a penalty for the violation of this Act.

Also:

S. 109. To amend Section 9757 of the Code of Alabama.

Pursuant to such request, the President and presiding officer of the Senate re-referred said bills, S. 100 and S. 109, to the Standing Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 40. To repeal an act of the Legislature of Alabama passed June 30, 1931 entitled "An Act to provide for and submit to the qualified electors of this State an amendment to the Constitution of Alabama authorizing the governing authorities of the city of Mobile at any time and from time to time to call an election and submit to the qualified voters of said city a proposal or proposals to increase the limit upon the aggregate amount of ad valorem taxes that may be levied by said city in any one tax year for all purposes, beyond one and one-tenth (1.1) per centum of the value of proper-

ty therein as assessed for State taxation during the preceding year, by thereafter levying and collecting and to thereafter levy and collect, an additional tax or taxes on the property situated therein at not exceeding such rate as may be submitted in such proposal; and authorizing said city, after securing the approval thereof by a majority of the qualified electors of such city voting at any such election to thereafter annually levy and collect for the purpose or purposes specified in said proposal, an additional tax or taxes on the property situated therein at not exceeding such rate as shall have been approved at such election, and prescribing a limit upon the amount of ad valorem taxes that may be levied and collected by said city for all purposes, and ordering an election by the qualified voters of the State upon such proposed amendment, and fixing the time for holding such election."

Also:

H. 41. To repeal an Act of the Legislature of Alabama passed July 25th, 1931 entitled "An Act to propose an amendment to the Constitution of Alabama to authorize Mobile County, through a commission to be appointed as shall be provided by the Legislature for that purpose, to purchase, build, or otherwise acquire and maintain and operate embankments, sea walls, and other protection against seas, waves, tides, storms and floods in the County or Mobile along or near the shores of said County which border upon tidal waters, and to purchase, build or otherwise acquire and maintain and operate all appurtenances and improvements of whatsoever nature necessary or useful thereto, including jetties, wharves, roads, boulevards, parks, ornamental lighting systems, buildings, and recreation facilities; to authorize Mobile County to issue bonds for such purposes; to provide for the payment of such bonds; to authorize a county excise license tax on the distribution of motor vehicle fuels and lubricating oils; to authorize said County to levy special assessments against property benefited by such improvements; to authorize the allocation of state excise taxes on motor fuels, and state license taxes on motor vehicles, tractors, busses, trailers, and trucks to Mobile County for such purposes; to authorize the creation of a revolving fund to assure the payment of such bonds and the levy of taxes for the replenishment of such fund; to authorize the Legislature to adopt local acts in furtherance of the purposes of said amendment; to ratify certain acts adopted by the 1931 Alabama Legislature; and to provide for the submission of said amendment to the qualified electors of the State of Alabama.

Also:

H. 48. To repeal an Act of the Legislature of Alabama passed June 30, 1931 entitled "An Act to provide for and submit to the qualified electors of the State of Alabama an amendment to the Constitution of Alabama prescribing certain conditions under and

the extent to and the purposes for which the City of Mobile may become indebted beyond the limit fixed by Section 225 of the Constitution and ordering an election by the qualified voters of the State upon such proposed amendment, and fixing the time for holding the said election."

Also:

H. 55. To propose an amendment to the Constitution of Alabama to be known as "Article XXIII" authorizing the State to issue and sell negotiable interest bearing bonds in an amount not to exceed Twenty Million Dollars (\$20,000,000.00) in addition to all other bonds of the State; to provide that such bonds shall be free from taxes; to provide that such bonds shall be the general obligation of the State and to provide for a sinking fund to pay the interest and principal. "And to authorize the Governor of Alabama to borrow an amount, or amounts, not in excess of Twenty Million Dollars to pay the indebtedness of the State outstanding on September 30, 1932, and to pledge the bonds herein authorized as collateral security for the amount, or amounts, so borrowed and to use the interest coupons on said bonds in payment of interest."

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment, and the day hereby appointed for such election is the 8th day of November, 1932, this being the date of the general election next succeeding the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

Article XXIII. The State is authorized to issue and sell negotiable interest bearing bonds in addition to all other bonds of the State, in an amount not to exceed the sum of Twenty Million Dollars (\$20,000,000.00) to pay the indebtedness of the State outstanding on September 30, 1932. Said bonds to be issued under such denominations, numbers and series and to mature at such times as may be provided by law, all such bonds shall bear a rate of interest not exceeding six per cent (6%) per annum, payable semi-annually; shall be a direct obligation of the State and the full faith and credit of the State is pledged for the prompt payment of the interest and principal thereof. They shall not be sold at a price less than the par value thereof and they shall be exempt from all State, county and municipal taxes. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds, there is pledged such portion of the income tax which may be collected in Alabama as will be necessary to pay the interest and principal as they mature, or any other tax paid to the State if an income tax is not levied or be insufficient. "The Governor may borrow from time to time an amount not in excess

of Twenty Million Dollars (\$20,000,000.) to be used in the payment of the indebtedness due September 30, 1932, or such portion thereof as he may be able to pay with money so borrowed, and may pledge as collateral security for said money so borrowed the bonds herein provided for, or any of them, and may use the interest coupons in payment of interest on the money so borrowed." The Governor of Alabama is authorized to negotiate temporary loans from time to time never to exceed Three Million Dollars (\$3,000,000.00) to meet any deficiencies in the Treasury and to pay interest on the money so borrowed and until the same is paid no new loan shall be negotiated.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor which shall be published in one newspaper in every county of the State, once a week for at least eight successive weeks next preceding the day appointed for such election.

Section 3. At the election hereby ordered to be held, as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz:

Shall the following be adopted as an amendment to the Constitution of Alabama?

Article XXIII. The State is authorized to issue and sell negotiable interest bearing bonds in addition to all other bonds of the State, in an amount not to exceed the sum of Twenty Million Dollars (\$20,000,000.00) to pay the indebtedness of the State outstanding on September 30, 1932. Said bonds to be issued under such denominations, numbers and series and to mature at such times as may be provided by law, all such bonds shall bear a rate of interest not exceeding six per cent (6%) per annum, payable semi-annually; shall be a direct obligation of the State and the full faith and credit of the State is pledged for the prompt payment of the interest and principal thereof. They shall not be sold at a price less than the par value thereof and they shall be exempt from all State, county and municipal taxes. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds, there is pledged such portion of the income tax which may be collected in Alabama as will be necessary to pay the interest and principal as they mature, or any other tax paid to the State if an income tax is not levied or is insufficient. "The Governor may borrow from time to time an amount not in excess of Twenty Million Dollars (\$20,000,000.00) to be used in the payment of the indebtedness due September 30, 1932, or such portion thereof as he may be able to pay with money so borrowed, and may pledge as collateral security for said money so borrowed the bonds herein provided for, or any of them, and may use the interest coupons in payment of interest on the money so borrowed."

The Governor of Alabama is authorized to negotiate temporary loans from time to time never to exceed Three Million Dollars (\$3,000,000.00) to meet any deficiencies in the Treasury and to pay interest on the money so borrowed and until the same is paid no new loan shall be negotiated. (Yes_____)(No_____).

Section 4. The officers of the General Election shall open a poll for the vote of the qualified electors upon the proposed amendment.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

ADOPTION OF RESOLUTION

The resolution:

H. J. R. 13. Ratifying Joint Resolution proposing an amendment to the Constitution of the United States fixing the terms of the President and Vice-President and members of Congress and fixing the time of the assembling of Congress.

Was read a third time at length, and adopted.

Yeas, 28; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Cooper
Coward
Darden

Delony
Duncan
Farmer
Faulk
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Jordan
Kelley
Lapsley
McDaniel
McDowell

Millsap
Mullins
Powell
Riddle
Scruggs
Walker
Warren

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the request of the Senate for a Committee of Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 18. To submit to the qualified voters of the State of Alabama, at the general election to be held in November, 1932, for their consideration, an amendment to the Constitution of the State of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, to fix, regulate and alter the costs, charges of courts, fees, commissions, allowances to be charged or received by any county office of Tuscaloosa County, Alabama, including the Sheriff, Judge of Probate, Tax Assessor, Tax Collector, Clerk of the Circuit Court and Register of the Chancery Court, and including the method or basis of their compensation, or to consolidate any of said offices into one.

And the Speaker of the House has named as a Committee of Conference on the part of the House: Messrs. Williams, Kelly of Talladega and Manasco.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate:

By Mr. Harrison:

H. J. R. 37. Resolved by the House, the Senate concurring, That when the two Houses adjourn today, they adjourn to meet on Tuesday, September 6, 1932.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

H. J. R. 37, set out in the foregoing Message from the House, was concurred in and adopted.

REPORT OF JOINT CONFERENCE COMMITTEE OF THE HOUSE
AND SENATE ON SENATE BILL NO. 18

Mr. President:

The joint conference committee appointed to consider Senate Bill No. 18 has agreed on the following amendment:

Amend Senate Bill No. 18 as amended by striking therefrom substitute by Mr. Williams.

Further amend the original Senate Bill No. 18 by striking from the heading and body of said bill the words "costs, charges of courts" where the same appear together.

Further amend said bill by striking therefrom the words "Tuscaloosa County, Alabama" where the same appear together in the heading and body of said bill and substituting therefor the following words "the following named counties in Alabama: Calhoun, Chilton, Colbert, Covington, Houston, Henry, Jackson, Lawrence, Limestone, Shelby, Tallapoosa, Tuscaloosa and Walker".

Further amend Senate Bill No. 18 by striking from the heading and body thereof the words "into one" where the same appear together and inserting in lieu the words "in each of said counties."

W. C. Warren,

E. D. Jordan,

J. L. Wikle,

Committee on part of Senate.

R. Clarence Williams,

Carter Manasco,

Richard B. Kelly, Jr.,

Committee on part of House.

CONFERENCE REPORT

On motion of Mr. Warren, the Senate concurred in and adopted the foregoing report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 18. To submit to the qualified voters of the State of Alabama, at the general election to be held in November, 1932, for their consideration, an amendment to the Constitution of the State of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, to fix, regulate and alter the costs, charges of courts, fees, commissions, allowances to be charged or received by any county officer of Tuscaloosa County, Alabama, including the Sheriff, Judge of Probate, Tax Assessor, Tax Collector, Clerk of the Circuit Court and Register of the Chancery Court, and including the method or basis of their compensation, or to consolidate any of said offices into one.

Yeas, 28; nays, 0.

Yeas:

Messrs.:

Bartlett

Beasley

Bonner

Brown

Caffey

Cooper

Cowart

Darden

Farmer

Faulk

Garrett

Goodwin

Hooton

Hubbard

Jordan

Kelley

Lapsley

McDaniel

McDowell

Millsap

Mullins

Powell

Riddle

Scruggs

Shepherd

Walker

Warren

Wikle

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 18. To submit to the qualified voters of the State of Alabama, at the general election to be held in November, 1932, for their consideration, an amendment to the Constitution of the State of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, to fix, regulate and alter the fees, commissions, allowances to be charged or received by any county office of the following named counties in Alabama: Calhoun, Chilton, Colbert, Covington, Houston, Henry, Jackson, Lawrence, Limestone, Shelby, Tallapoosa, Tuscaloosa and Walker, including the Sheriff, Judge of Probate, Tax Assessor, Tax Collector, Clerk of the Circuit Court and Register of the Chancery Court, and including the method or basis of their compensation, or to consolidate any of said offices in each of said counties.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

BILLS ON THIRD READING

The bill:

S. 102. To amend Section 4195 (6964) of the 1923 Code of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Millsap
Beasley	Duncan	Hubbard	Mullins
Brown	Farmer	Jordan	Scruggs
Caffey	Faulk	Kelley	Walker
Cowart	Garrett	Lapsley	Warren
Darden	Goodwin	McDowell	Wikle

—24

The bill:

S. 105. To amend Section 246 of the Educational Code of Alabama, approved August 27, 1927.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Hildreth	McDowell
Beasley	Darden	Hooton	Millsap
Bonner	Delony	Hubbard	Mullins
Brown	Duncan	Jordan	Scruggs
Caffey	Farmer	Kelley	Walker
Cooper	Garrett	Lapsley	Wikle
Cowart	Goodwin	McDaniel	

—27

The bill:

H. 123. A bill to be entitled an act to propose an amendment to the Constitution of Alabama to be known as "Article XXIV" providing that all provisions of the Constitution which prohibit the Legislature from reducing the salary or compensation of any officer of the State, or of a county or municipality, during the term for which he has been elected, are suspended until October 1, 1935, and providing that any laws reducing such salaries, which may have been enacted since August 1, 1932, are ratified and confirmed and that this amendment to the Constitution will be void after October 1, 1935.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is the 8th day of November, 1932, this being the date of the general election next succeeding the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

Article XXIV. All provisions of the Constitution which prohibit the Legislature from reducing the salary, fees or compensation of any officer of the State, or of any County or Municipality, or other political subdivision thereof, during the term for which he has been elected or appointed, whether such office held by him be Judicial, Legislative or Executive office or office of any other character, are suspended until the first Monday after the second Tuesday in January 1935; and provided the Legislature of 1935 may fix the salary, fees and compensation of such officers for the term commencing on the first Monday after the second Tuesday in January 1935, or prior thereto. Any and all laws reducing any salary, fees or compensation of any such officer, which may have been enacted since August 1, 1932, or which may hereafter be enacted are hereby ratified and confirmed.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State, once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz:

Shall the following be adopted as an Amendment to the Constitution of Alabama?

Article XXIV. All provisions of the Constitution which prohibit the Legislature from reducing the salary, fees or compensation of any officer of the State, or of any County or Municipality, or other political sub-division thereof, during the term for which he has been elected or appointed whether such office held by him be Judicial, Legislative or Executive office or office of any other character, are suspended until the first Monday after the second Tuesday in January 1935; and provided the Legislature of 1935 may fix the salary, fees and compensation of such officers for the term commencing on the first Monday after the second Tuesday in January 1935, or prior thereto. Any and all laws reducing any salary, fees or compensation of any such officer, which may have been enacted since August 1, 1932, or which may hereafter be enacted are hereby ratified and confirmed.

Section 4. The officers of the general election shall open a poll for the vote of the qualified electors upon the proposed amendment.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The results of such election shall be made known by proclamation of the Governor.

Was taken up.

Mr. Powell moved that said bill be indefinitely postponed, which motion was lost.

Said bill was then read a third time at length and lost.

Yeas, 15; nays, 19.

Yeas:

Messrs.:

Bartlett
Bonner
Darden
Delony

Duncan
Edmundson
Faulk
Fletcher

Goodwin
McDowell
Millsap
Scruggs

Walker
Warren
Wikle

—15

Nays:

Messrs.:

Beasley
Brown
Caffey
Cooper
Coward

Craft
Farmer
Garrett
Hooton
Hubbard

Jordan
Kelley
Lapsley
McDaniel
Mullins

Powell
Riddle
Shepherd
Teasley

—19

Mr. Powell moved that the vote by which said bill was lost be reconsidered, which motion was lost.

Yeas, 16; nays, 18.

*Yeas:**Messrs.:*

Bartlett
Bonner
Darden
Delony

Duncan
Edmundson
Faulk
Fletcher

Garrett
Goodwin
McDowell
Millsap

Scruggs
Walker
Warren
Wikle

—16

*Nays:**Messrs.:*

Beasley
Brown
Caffey
Cooper
Coward

Craft
Farmer
Hooton
Hubbard
Jordan

Kelley
Lapsley
McDaniel
Mullins

Powell
Riddle
Shepherd
Teasley

—0

—18

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, and finds same correctly enrolled, to-wit:

S. 18. To submit to the qualified voters of the State of Alabama, at the general election to be held in November, 1932, for their consideration, an amendment to the Constitution of the State of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, to fix, regulate and alter the fees, commissions, allowances to be charged or received by any county office of the following named counties in Alabama: Calhoun, Chambers, Chilton, Colbert, Covington, Houston, Henry, Jackson, Lamar, Lawrence, Limestone, Shelby, Tallapoosa, Tuscaloosa and Walker, including the Sheriff, Judge of Probate, Tax Assessor, Tax Collector, Clerk of the Circuit Court and Register of the Chancery Court, and including the method or basis of their compensation, or to consolidate any of said offices in each of said counties.

T. A. Goodwin,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing Report of Committee on Enrolled Bills.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the ninth legislative day, and finds same correct and containing all original entries and references thereto required by the Constitution.

Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and on motion of Mr. Farmer, said report was concurred in and the Journal of the Senate for the ninth legislative day approved by the Senate.

ADJOURNMENT

At 1:05 P. M., on motion of Mr. Mullins and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, September 6th, 1932, at 11 A. M.

TENTH DAY

Tuesday, September 6th, 1932.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill, presiding.

PRAYER

Prayer by Dr. O. V. Calhoun, Presiding Elder of the Montgomery District.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Darden
Delony

Duncan
Edmundson
Farmer
Faulk
Fletcher
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Jordan
Kelley
Lapsley
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

JOURNAL

On motion of Mr. Caffey, the reading of the Journal of yesterday was dispensed with, and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Beasley, leave of absence was granted Mr. McDaniel for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Teasley:

S. 127. To provide for absent qualified electors of the State of Alabama to vote in any primary, general, special or municipal election in this state while absent from the State or from the county in which they are qualified electors; to provide the method of carrying out such provision, and to provide for and require election officers and others charged with duties hereunder to perform duties in connection therewith.

Committee on Privileges and Elections.

By Mr. Teasley:

S. 128. To authorize boards of revenue, or other like governing body, in all counties which now have a population of not less than seventy-five thousand, nor more than one hundred and ten thousand persons, according to the last Federal Census, or according to any such census hereafter taken, to expend not exceeding twenty-five hundred dollars in advance payment for hospital accommodation and services for the poor of such county.

Committee on Finance and Taxation.

By Mr. Darden:

S. 129. To exempt from road duty or road tax in the State of Alabama, and from street duty and/or the payment of street tax to any municipality in the State of Alabama, all persons who honorably served in the military or naval forces of the United States of America between April 6th, 1917, and November 11th, 1918.

Committee on Finance and Taxation.

By Mr. Walker:

S. 130. To relieve all persons of any legal obligation to work on the public streets in the City of Athens, Limestone County, State of Alabama, or to pay any money in lieu of such legal obligation to work on the public streets in Athens, Limestone County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that an application will be made to the legislature of Alabama at its extraordinary session beginning on Tuesday, August 16th, 1932, for the passage of a local act for Limestone county, which act is as follows:

AN ACT

To relieve all persons of any legal obligation to work on the public streets in the city of Athens, Limestone county, State of Alabama, or to pay any money in lieu of such legal obligation to work on the public streets in Athens, Limestone county, Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That all persons shall be relieved of any legal obligation to work on the public streets of Athens, Limestone county, State of Alabama, or to pay any money in lieu of such obligation to work on the public streets of Athens, Limestone county, Alabama.

Section 2. That all laws, both general and local, in conflict herewith be, and the same are hereby repealed.

Section 3. That this act shall become effective immediately upon its approval by the Governor.

R. H. WALKER.

The State of Alabama, }
Montgomery County. }

I, R. H. Walker, Editor and Publisher of The Limestone Democrat, a weekly newspaper of general circulation published at Athens, in Limestone County, Alabama, do hereby certify that the above and foregoing notice has been published in the above named newspaper for four successive weekly issues prior to this date, viz: in the issues bearing the following dates: August 11th, 18th and 25th and September 1st, 1932.

R. H. WALKER,
Editor and Publisher.

Sworn to and subscribed before me on this the 6th day of September, 1932.

CHARLES BRICKEN, JR.,
Clerk Court of Appeals.

By Mr. Walker:

S. 131. To amend Section One of an Act approved July 17, 1931, entitled "An Act to provide for the quarterly publication by the city clerk of Athens, Alabama, of an itemized report of the receipts and expenditures of said city of Athens, Alabama for each preceding three months, and to provide penalty for failure to observe said law."

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that an application will be made to the legislature of Alabama at its extraordinary session beginning on Tuesday, August 16, 1932, for the passage of a local act for Limestone county, which act is as follows:

AN ACT

To amend section one of an act approved July 17, 1931, entitled "An act to provide for the quarterly publication by the city clerk of Athens, Alabama,

of an itemized report of the receipts and expenditures of said city of Athens, Alabama, for each preceding three months, and to provide penalty for failure to observe said law."

BE IT ENACTED BY THE LEGISLATURE:

Section 1. That Section 1 of an act of the legislature approved July 17, 1931, entitled "An act to provide for the quarterly publication by the city clerk of Athens, Alabama, of an itemized report of the receipts and expenditures of said city of Athens, Alabama, for each preceding three months, and to provide penalty for failure to observe said law," be amended so as to read as follows: Section 1. That the city clerk, or similar officer, of the city of Athens, Alabama, is hereby required to publish in some newspaper published in Athens, Alabama, between the first and fifteenth days of January, the first and fifteenth days of April, the first and fifteenth days of July and the first and fifteenth days of October, of each year an account by departments of receipts and an itemized account of all expenditures of all departments of said city for the three calendar months immediately preceding such publication, provided that the cost to the city shall not exceed \$50 per quarter for the publication of each of said quarterly reports.

R. H. WALKER.

The State of Alabama, }
Montgomery County. }

I, R. H. Walker, Editor and Publisher of The Limestone Democrat, a weekly newspaper of general circulation published at Athens, in Limestone County, Alabama, do hereby certify that the above and foregoing notice of local act has been published in the above named newspaper for four successive weekly issues prior to to this date, viz. in the issues bearing the following dates: August 11th, 18th and 25th and September 1st, 1932.

R. H. WALKER,
Editor and Publisher.

Sworn to and subscribed before me on this the 6th day of September, 1932.

CHARLES BRICKEN, JR.,
Clerk Court of Appeals.

By Mr. Lapsley:

S. 132. To provide for the payment into the State Treasury of all taxes, licenses, fees, and other revenues which may be collected by any tax collector or by any department, institution, agent, or agency of the State, for the benefit of or to which the State of Alabama is now or may hereafter be entitled to collect or receive.

Committee on Finance and Taxation.

By Mr. Lapsley:

S. 133. To repeal all appropriations, heretofore made by the State of Alabama, which may be outstanding at the close of the fiscal year, ending September 30, 1932.

Committee on Finance and Taxation.

By Mr. Lapsley:

S. 134. To prohibit the expenditure of any funds or revenues of the State of Alabama by any department, institution, agency, officer or agent of the State of Alabama, except upon and in accordance with an appropriation thereof by the State of Alabama payable out of the State Treasury.

Committee on Finance and Taxation.

By Mr. Lapsley:

S. 135. To prohibit the issuance of any state warrant unless and until funds for the payment thereof are on deposit in the State Treasury and are available for the payment thereof; and provide penalties for a violation of this act.

Committee on Finance and Taxation.

By Mr. Lapsley:

S. 136. To relieve Tax Assessors in all counties in Alabama which now have, or which may hereafter have a population of not less than fifty five thousand and not more than sixty four thousand two hundred according to the last federal census, or any such census which may be taken hereafter, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as a permanent record and prepare tax collectors abstracts from said assessment lists.

Committee on Finance and Taxation.

COMMUNICATION FROM THE HONORABLE JOHN McDUFFIE

Mobile, Ala.
September 3, 1932.

Hon. Hugh D. Merrill,
President of the Senate,
Montgomery, Alabama.
Dear Mr. President:

I wish to express my deep appreciation of the action of the Senate in adopting a resolution endorsing me for Speaker of the National House of Representatives. This manifestation of confidence will always be a source of pride and inspiration to me.

With great respect, I am

Sincerely yours,
JOHN McDUFFIE.

COMMUNICATION

The above communication was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate:

By Mr. Mulkey:

H. J. R. 47. Be it resolved by the House of Representatives, (the Senate concurring):

That the Congress of the United States is hereby requested to enact suitable and appropriate legislation, authorizing the Secretary of Agriculture, or the Department of Justice, to settle, adjust, refund and/or cancel obligations, debts and liabilities due and owing from persons who obtained in 1929, in Alabama, seed, feed and fertilizer loans, or persons who in any way became liable, civilly, for such loans, or any portion thereof:

That a copy of this resolution be transmitted by the Secretary of the State, to each of the members of the United States Senate and of the House of Representatives from Alabama, and to the Vice-President of the United States, and to the Speaker of the House of Representatives.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

H. J. R. 47, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTION AND SPECIAL ORDERS

The Rules Committee reported the following Senate Resolution:

S. R. 38. Resolved by the Senate that H. 111 on page 5 and H. 182 on page 6 be made special orders to be taken up first on the call of the Regular Calendar for the day.

And on motion of Mr. Powell, the Resolution was put upon its immediate passage and adopted, and said bills H. 111 and H. 182 made special orders to be taken up first on the call of today's calendar.

CONSIDERATION OF SPECIAL ORDER

The bill:

H. 182. A bill to be entitled an act to propose an amendment to the Constitution of Alabama to be known as "Article XXV" providing that each municipality and each county in the State be authorized to borrow money from the Reconstruction Finance Corporation under the Emergency Relief and Construction Act of 1932 (Approved July 21, 1932), and to use funds borrowed in furnishing relief and work relief to needy and distressed people and in relieving the hardship resulting from unemployment and to authorize each city and county to appropriate its funds for the relief of the needy and to make legal any appropriation that may have already been made for this purpose; and to ratify any agreement which may have been entered into by any municipality or county with the Governor or with the Reconstruction Finance Corporation with the approval of the Governor.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is the 8th day of November, 1932, this being the date of the general election next succeeding the session of the Legislature

at which this amendment is proposed. The proposed amendment is as follows:

Article XXV. Each municipality and each county in the State is hereby authorized to borrow money from the Reconstruction Finance Corporation under the Emergency Relief and Construction Act of 1932, (Approved July 21, 1932), and to use such funds in furnishing relief and work relief to needy and distressed people and in relieving the hardships resulting from unemployment, and to enter into an agreement, or agreements, with the Reconstruction Finance Corporation for the repayment of the amount so borrowed with interest, and any agreement entered into by any municipality or county with the Governor or with the Reconstruction Finance Corporation with the approval of the Governor, is hereby ratified. The amount which each municipality and each county can borrow or assumed from the Reconstruction Finance Corporation is in addition to any other indebtedness now authorized by law, and any provision of the Constitution or of the statutes with reference to limiting the amount which any county or any municipality can borrow shall mean an amount in addition to any amount borrowed from the Reconstruction Finance Corporation. Each municipality and each county in the State is authorized to appropriate funds for furnishing relief and work relief to needy and distressed people and to relieve the hardships resulting from unemployment, and any appropriation that may have heretofore been made by any municipality or county is hereby declared to be legal.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State, once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz:

Shall the following be adopted as an amendment to the Constitution of Alabama?

Article XXV. Each municipality and each county in the State is hereby authorized to borrow money from the Reconstruction Finance Corporation under the Emergency Relief and Construction Act of 1932, (Approved July 21, 1932), and to use such funds in furnishing relief and work relief to needy and distressed people and in relieving the hardships resulting from unemployment, and to enter into an agreement, or agreements, with the Reconstruction Finance Corporation for the repayment of the amount so borrowed with interest, and any agreement entered into by any municipality or county with the Governor or with the Reconstruction Finance Corporation with the approval of the Governor is hereby ratified.

The amount which each municipality and each county can borrow or assumed from the Reconstruction Finance Corporation is in addition to any other indebtedness now authorized by law, and any provision of the Constitution or of the statutes with reference to limiting the amount which any county or any municipality can borrow shall mean an amount in addition to any amount borrowed from the Reconstruction Finance Corporation. Each municipality and each county in the State is authorized to appropriate funds for furnishing relief and work relief to needy and distressed people and to relieve the hardships resulting from unemployment, and any appropriation that may have heretofore been made by any municipality or county is hereby declared to be legal. (Yes_____)(No_____).

Section 4. The officers of the general election shall open a poll for the vote of the qualified electors upon the proposed amendment.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The results of such election shall be made known by a proclamation of the Governor.

Was read a third time at length and passed.

Yeas, 28; nays, 1.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Mullins
Beasley	Duncan	Hubbard	Powell
Bonner	Edmundson	Jordan	Riddle
Caffey	Farmer	Kelley	Scruggs
Cooper	Garrett	Lapsley	Walker
Cowart	Goodwin	McDowell	Warren
Darden	Hildreth	Millsap	Wikle

—28

Nay: Mr. Faulk.

—1

BILLS ON THIRD READING

The bill:

S. 104. To provide for the revision, codification, digesting and promulgation of the public statutes of this State, both civil and criminal.

Was read a third time at length and lost.

Yeas, 12; nays, 16.

Yeas:

Messrs.:
Beasley
Bonner
Caffey

Darden
Hooton
Hubbard

Jordan
Lapsley
Mullins

Scruggs
Shepherd
Teasley

—12

Nays:

Messrs.:
Bartlett
Cooper
Coward
Delony

Duncan
Faulk
Garrett
Goodwin

Hildreth
Kelley
McDowell
Millsap

Powell
Walker
Warren
Wikle

—16

The bill:

S. 91. To amend Section 3991 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays, 1.

Yeas:

Messrs.:
Bartlett
Beasley
Caffey
Cooper
Coward
Darden
Delony

Duncan
Edmundson
Garrett
Goodwin
Hildreth
Hooton

Jordan
Kelley
Lapsley
Millsap
Mullins
Powell

Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—25

Nay: Mr. Faulk.

—1

The bill:

H. 49. To amend Section 8822 of the Code of Alabama, 1923.

Was read a third time at length and passed.

Yeas, 26; nays, 1.

Yeas:

Messrs.:
Bartlett
Beasley
Caffey
Cooper
Coward
Craft
Darden

Delony
Edmundson
Faulk
Goodwin
Hildreth
Hooton
Hubbard

Jordan
Kelley
Lapsley
McDowell
Millsap
Mullins

Powell
Scruggs
Teasley
Walker
Warren
Wikle

—26

Nay: Mr. Duncan

—1

The bill:

S. 59. To amend Section 8663 of the 1923 Code of Alabama.

Was read a third time at length and passed; and ordered sent forthwith to the House without engrossment.

Yeas, 29; nays, 0.

Yeas:

Messrs.:
Bartlett

Beasley

Bonner

Caffey

Cooper	Garrett	Lapsley	Scruggs
Cowart	Goodwin	McDowell	Shepherd
Darden	Hildreth	Millsap	Teasley
Delony	Hooton	Mullins	Walker
Duncan	Jordan	Powell	Warren
Farmer	Kelley	Riddle	Wikle
Faulk			

—29

The bill:

S. 101. To amend Section 7409 of the Code of Alabama, 1923.

Was read a third time at length and passed; and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

Yeas:

Messrs.:			
Bartlett	Duncan	Hubbard	Powell
Beasley	Farmer	Jordan	Riddle
Bonner	Faulk	Kelley	Scruggs
Caffey	Fletcher	Lapsley	Shepherd
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle
Delony	Hooton		

—30

The bill:

S. 96. To amend Section 2216 of the Code of Alabama as amended by Act of the Legislature of 1927, approved September 10, 1927.

Was read a third time at length and passed; and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays, 0.

Yeas:

Messrs.:			
Bartlett	Farmer	Hubbard	Mullins
Beasley	Fletcher	Jordan	Powell
Bonner	Garrett	Kelley	Scruggs
Cooper	Goodwin	Lapsley	Walker
Darden	Hildreth	McDowell	Warren
Delony	Hooton	Millsap	Wikle
Duncan			

—25

The bill:

S. 46. To amend Section 50 of an Act of the Legislature of Alabama, approved September 10, 1927, and entitled "An Act to provide a Code of laws defining the powers of municipal corporations in this State with respect to the construction and maintenance of public improvements and betterments and the assessment of the whole or any part of the cost thereof against the abutting property, or property specially benefited or increased in value by reason of such improvements, and amending sections 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199,

2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2236, 2237, of the Code of Alabama of 1923; and repealing Sections 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235 of said Code; and to repeal all laws in conflict with the same."

Was read a third time at length and passed; and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Jordan	Powell
Beasley	Fletcher	Kelley	Scruggs
Caffey	Garrett	Lapsley	Teasley
Cooper	Hildreth	McDowell	Walker
Darden	Hooton	Millsap	Warren
Delony	Hubbard	Mullins	Wikle

—24

The bill:

H. 54. To authorize the Sheriff of St. Clair County, Alabama, to employ two chief deputy sheriffs, one to reside at Pell City, and the other to reside at Ashville; to fix the compensation of such chief deputies; to provide for the payment of same and the manner thereof; and to repeal all laws in conflict with this Act insofar as the same apply to said St. Clair County, Alabama.

Was taken up.

The Committee on Local Legislation reported the following amendment to said bill to-wit:

Amend H. No. 54 by striking therefrom Section 2, and adding in lieu thereof as follows:

"Section 2. That the salary of each of said deputies shall be (\$1500) Fifteen Hundred Dollars per annum, divided into twelve equal monthly installments and paid on the first day of each month out of the general fund of said county, on warrants drawn by the Judge of Probate.

Which was adopted.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hooton	Powell
Beasley	Edmundson	Hubbard	Riddle
Bonner	Farmer	Jordan	Scruggs
Brown	Faulk	Kelley	Shepherd
Caffey	Fletcher	Lapsley	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle
Delony			

—33

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hooton	Powell
Beasley	Edmundson	Hubbard	Riddle
Bonner	Farmer	Jordan	Scruggs
Brown	Faulk	Kelley	Shepherd
Caffey	Fletcher	Lapsley	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle
Delony			

—33

The bill:

S. 71. To amend Section 8563 of the Code of Alabama of 1923.

Was taken up.

Mr. Powell moved that further consideration of said bill be postponed until the twelfth legislative day.

Mr. Teasley moved that the motion of Mr. Powell be laid on the table, which motion was lost and the Senate refused to table the motion to postpone.

Yeas, 13; nays, 18.

Yeas:

Messrs.:

Bonner	Hooton	Millsap	Teasley
Farmer	Jordan	Mullins	Walker
Faulk	Kelley	Shepherd	Warren
Fletcher			

—13

Nays:

Messrs.:

Bartlett	Darden	Hildreth	Powell
Beasley	Delony	Hubbard	Riddle
Caffey	Duncan	Lapsley	Scruggs
Cooper	Garrett	McDowell	Wikle
Cowart	Goodwin		

—18

The question then recurred on the motion of Mr. Powell to postpone further consideration of said bill until the twelfth legislative day, which motion prevailed and said bill was so postponed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 70. To authorize the Superintendent of banks to cooperate with the depositors and common creditors of a closed bank in working out plans to reorganize and reopen the bank and to empower him to do all things necessary in connection therewith to make the

bank safe and solvent after the plan has been submitted to and approved by the court having jurisdiction.

J. H. Stewart,
Clerk.

RECESS

At 12:30 P. M., on motion of Mr. Hildreath, the Senate took a recess until four thirty this afternoon.

AFTERNOON SESSION, TENTH DAY

Tuesday, September 6th, 1932.

The Senate re-assembled at 4:30 P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Upon a call of the roll, the following members answered to their names, a quorum of the Senate:

Messrs.:

Bartlett	Delony	Hildreth	Powell
Beasley	Duncan	Hooton	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Cooper	Faulk	Lapsley	Teasley
Cowart	Fletcher	McDowell	Walker
Craft	Garrett	Millsap	Warren
Darden	Goodwin	Mullins	Wikle

—32

RESOLUTION

The Rules Committee reported the following Joint Resolution:

S. J. R. 39. Resolved by the Senate, the House concurring, that when the two Houses adjourn today, they adjourn to reconvene again on Friday, September 9th, 1932 at 10 A. M.

And on motion of Mr. Powell, the Resolution was put upon its immediate passage and adopted.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows: By Mr. Hooton:

S. 137. To prohibit the use of trailers attached to motor vehicles on the highways of the State of Alabama, with exceptions thereto, and to provide for the punishment of the use of the same.

Committee on Judiciary.

REPORT OF COMMITTEE

Mr. Walker, Chairman of the Standing Committee on Agriculture reported that said committee in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Faulk:

S. 77. To provide for the purchase and distribution of Anti-Hog Cholera Serum and Hog Cholera Virus by the State Live Stock Sanitary Board, for the Suppression of Hog Cholera in the State of Alabama; and to make appropriation therefor out of any monies to the credit of the Agricultural Fund; and to fix penalties for the violation of this Act.

By Mr. Walker:

S. 117. To amend Section 5 of An Act entitled An Act "For the purpose of finding out new scientific facts in regard to the use of fertilizer for farm and truck crops, the adaptation and improvement of varieties of crops, the establishments and improvement of pastures, the production of feed and forage crops, the economic production and management of live-stock, the production of fruits, vegetables, nuts and citrus fruit, the control of insect pests, plant and live-stock diseases, and other similar important agricultural and economic problems having for their object the development of a more permanent, more profitable and diversified agriculture, there is hereby created and provision made for the maintenance of sub-agricultural experiment stations, one upon each of the five main large soil types of the State as represented in the Tennessee Valley, the Sand Mountain Section, the Black Belt, the Wiregrass and the Gulf Coast area; to create a commission to locate said sub-stations and to provide for its per diem and expenses; to provide for the carrying on of research work on Experimental Fields in different parts of the State; to make appropriations to the Board of Trustees of the Alabama Polytechnic Institute for carrying out the purposes of this Act; to provide for the administration and direction of this work; to authorize and empower county Board of Revenue or County Commissioners, or other bodies having similar jurisdiction in the several counties of the State, individuals, firms, organizations, corporations, companies or municipalities to make donations and appropriations for the purchase of land and equipment for said sub-stations; to authorize the Board of Trustees of the Alabama Polytechnic Institute to accept such donations, approved September 10, 1927."

CONSIDERATION OF SPECIAL ORDERS

The Senate proceeded to consider the second special order for today, which was the bill:

H. 111. A bill to be entitled an act to provide for and submit to the qualified electors of the State of Alabama; at the general election next succeeding the present session of the Legislature at which the amendment is proposed; an amendment to the Constitution of Alabama whereby the Legislature of Alabama may, from time to time, by general or local laws, fix, regulate and alter the costs, fees, commissions, allowances or salaries, including the method and basis of their compensation, to be charged or received by tax assessors and tax collectors for assessing and collecting taxes levied for public school purposes in Mobile County, providing, however, that the cost of publication of the Governor's proclamation of such election shall not be borne by the State of Alabama, and empowering the Board of School Commissioners of Mobile County to incur and pay such cost and expense; and whereby all acts of the Legislature heretofore passed and applicable, or purporting to be applicable, to Mobile County, and fixing, or purporting to fix, the compensation of tax assessors and tax collectors, for assessing and collecting special taxes for public school purposes, on a salary basis, are validated and confirmed.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama, for their consideration at the general election next succeeding the present session of the Legislature at which this amendment is proposed, to-wit: "The Legislature of Alabama may, from time to time, by general or local laws, fix, regulate and alter the costs, fees, commissions, allowances or salaries, including the method and basis of their compensation, to be charged or received by tax assessors and tax collectors for assessing and collecting taxes levied for public school purposes in Mobile County; provided, however, that no cost or expense of the publication of the Governor's proclamation giving notice of such election together with the proposed amendment, shall accrue to or fall upon the State of Alabama, and the Board of School Commissioners of Mobile County is hereby empowered and authorized to incur and pay the said costs and expenses of the Publication of the Governor's proclamation. All Acts of the Legislature heretofore passed and applicable, or purporting to be applicable, to Mobile County, and fixing, or purporting to fix, the compensation of tax assessors and tax collectors, for assessing and collecting special taxes for public school purposes, on a salary basis, are hereby validated and confirmed."

Section 2. That notice of the election hereby ordered, with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the state for at least eight (8) successive weeks next preceding the date hereby appointed for such election.

Section 3. That at the time of holding the general election next succeeding the present session of the Legislature at which this amendment is proposed, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, namely:

"Shall the following be adopted as an amendment to the Constitution of the State of Alabama:

"The Legislature of Alabama may, from time to time, by general or local laws, fix, regulate and alter the costs, fees, commissions, allowances or salaries, including the method and basis of their compensation, to be charged or received by tax assessors and tax collectors for assessing and collecting taxes levied for public school purposes in Mobile County; provided, however, that no cost or expense of the publication of the Governor's proclamation giving notice of such election together with the proposed amendment, shall accrue or fall upon the State of Alabama, and the Board of School Commissioners of Mobile County is hereby empowered and authorized to incur and pay the said costs and expenses of the publication of the Governor's proclamation. All Acts of the Legislature heretofore passed and applicable, or purporting to be applicable, to Mobile County, and fixing or purporting to fix, the compensation of tax assessors and tax collectors, for assessing and collecting special taxes for public school purposes, on a salary basis, are hereby validated and confirmed."

Following the proposed amendment on the ballot shall be printed the word "Yes", and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark by him opposite the word expressing his desire. Officers of such general election shall be the officers of the election hereby called, and such election shall be held in all things in accordance with the laws governing general elections, and the constitutional provisions respecting amendments to the Constitution. In the election so held upon such proposed amendment, the votes cast thereat shall be canvassed and tabulated, and returns thereof be made to the Secretary of State, and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon such proposed amendment voted in favor of the same, said amendment shall be valid to all intents and purposes as part of the Constitution of Alabama. The result of said election shall be made known by the proclamation of the Governor.

Section 4. The expense of the election herein provided for shall be paid out of the State Treasury, in the same manner as the expenses of other elections are paid, but no part of the cost and expense of the publication of the Governor's proclamation giving

notice of the said election together with the proposed amendment, shall be borne or paid by the State of Alabama, but shall be defrayed by the Board of School Commissioners of Mobile County, and the said Board of School Commissioners of Mobile County is hereby authorized and empowered to incur and pay such expense.

Mr. Craft offered the following amendment to said bill to-wit:

Amend the caption of the bill by adding the following thereto:

"And providing that whenever said officials are placed upon a salary, that on and after that date the then existing general county ad valorem tax for school purposes shall be reduced by one-half mill."

Amend Section One by substituting a comma for the period at the end thereof and by striking out the quotation mark at the end of said section and by adding the following words at the end of said section:—"and providing that whenever said officials are placed upon a salary, that on and after that date the then existing general county ad valorem tax for school purposes shall be reduced by one-half mill."

Amend Section Three by substituting a comma at the end of the proposed amendment as set out in said section and by striking the quotation marks at the end of said proposed amendment as set out in said section and by adding the following words to the proposed amendment as set out in said section:—"and providing that whenever said officials are placed upon a salary, that on and after that date the then existing general county ad valorem tax for school purposes shall be reduced by one-half mill."

Which was adopted.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Mullins
Beasley	Delony	Hooton	Powell
Bonner	Duncan	Jordan	Scruggs
Brown	Farmer	Kelley	Teasley
Cooper	Faulk	Lapsley	Warren
Craft	Garrett	McDowell	Wikle

—24

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Jordan	Riddle
Beasley	Delony	Kelley	Scruggs
Bonner	Duncan	McDowell	Teasley
Brown	Farmer	Mullins	Warren
Cooper	Hildreth	Powell	Wikle
Craft	Hooton		

—22

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, and finds same correctly enrolled, to-wit:

S. 70. To authorize the Superintendent of Banks to co-operate with the depositors and common creditors of a closed bank in working out plans to reorganize and reopen the bank and to empower him to do all things necessary in connection therewith to make the bank safe and solvent after the plan has been submitted to and approved by the court having jurisdiction.

T. A. Goodwin,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without Engrossment:

H. 147. To authorize the Superintendent of Banks to borrowed money on behalf of a closed bank or trust company and to secure the same by a pledge of the assets of such bank or trust company for the purpose of protecting and preserving the assets of the bank, of paying secured claims, of aiding in the reorganization or reopening of the closed bank, and/or of making distribution to depositors and creditors.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 147, to the Committee on Banking and Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills and House Joint Resolution, your signature thereto is requested:

H. J. R. 13. To amend the Constitution of the United States regarding the date on which future Presidents, Vice-Presidents and members of Congress shall assume office and to define the duties of either House in case of death or disqualification of President elect or Vice-President elect.

Also:

H. 49. To amend Section 8822 of the Code of Alabama, 1923.

Also:

H. 182. To propose an amendment to the Constitution of Alabama to be known as "Article XXV" providing that each municipality and each county in the State be authorized to borrow money from the Reconstruction Finance Corporation under the Emergency Relief and Construction Act of 1932, (Approved July 21, 1932), and to use funds borrowed in furnishing relief and work relief to needy and distressed people and in relieving the hardship resulting from unemployment and to authorize each city and county to appropriate its funds for the relief of the needy and to make legal any appropriation that may have already been made for this purpose; and to ratify any agreement which may have been entered into by any municipality or county with the Governor or with the Reconstruction Finance Corporation with the approval of the Governor.

Be it enacted by the Legislature of Alabama:

SECTION 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is the 8th day of November, 1932, this being the date of the general election next succeeding the session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

Article XXV. Each municipality and each county in the State is hereby authorized to borrow money from the Reconstruction Finance Corporation under the Emergency Relief and Construction Act of 1932, (Approved July 21, 1932), and to use such funds in furnishing relief and work relief to needy and distressed people and in relieving the hardships resulting from unemployment, and to enter into an agreement, or agreements, with the Reconstruction Finance Corporation for the repayment of the amount so borrowed with interest and any agreement entered into by any municipality or county with the Governor or with the Reconstruction Finance Corporation with the approval of the Governor, is hereby ratified. The amount which each municipality and each county can borrow or assumed from the Reconstruction Finance Corporation is in addition to any other indebtedness now authorized by law, and any provision of the Constitution or of the Statutes with reference to limiting the amount which any county or any municipality can borrow shall mean an amount in addition to any amount borrowed

from the Reconstruction Finance Corporation. Each municipality and each county in the State is authorized to appropriate funds for furnishing relief and work relief to needy and distressed people and to relieve the hardships resulting from unemployment, and any appropriation that may have heretofore been made by any municipality or county is hereby declared to be legal.

SECTION 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in every county in the State, once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

SECTION 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on such proposed amendment and on the official ballot provided for such election there shall be printed the following, viz:

Shall the following be adopted as an Amendment to the Constitution of Alabama?

Article XXV. Each municipality and each county in the State is hereby authorized to borrow money from the Reconstruction Finance Corporation under the Emergency Relief and Construction Act of 1932, (Approved July 21, 1932), and to use such funds in furnishing relief and work relief to needy and distressed people and in relieving the hardships resulting from unemployment, and to enter into an agreement, or agreements, with the Reconstruction Finance Corporation for the repayment of the amount so borrowed with interest, and any agreement entered into by any municipality or county with the Governor or with the Reconstruction Finance Corporation with the approval of the Governor, is hereby ratified. The amount which each municipality and each county can borrow or assumed from the Reconstruction Finance Corporation is in addition to any other indebtedness now authorized by law, and any provision of the Constitution or of the Statutes with reference to limiting the amount which any county or any municipality can borrow shall mean an amount in addition to any amount borrowed from the Reconstruction Finance Corporation. Each municipality and each county in the State is authorized to appropriate funds for furnishing relief and work relief to needy and distressed people and to relieve the hardships resulting from unemployment, and any appropriation that may have heretofore been made by any municipality or county is hereby declared to be legal. (Yes____) (No____).

SECTION 4. The officers of the general election shall open a poll for the vote of the qualified electors upon the proposed amendment.

SECTION 5. The votes cast at such election shall be canvassed, tabulated and returns thereof be made to the Secretary of State and counted in the same manner as in elections for repre-

sentatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The results of such election shall be made known by a proclamation of the Governor.

J. H. Stewart,
Clerk.

SIGNING OF BILLS AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolution; the titles of which are set out in the foregoing message from the House.

BILLS ON THIRD READING

The bill:

S. 38. To protect the public from injury to person or property in the use of the public highways of this State; to provide for revocation or suspension of operators' or chauffeurs' license and motor vehicle licenses or registration certificates under certain facts and conditions to require any person under certain facts and conditions to give proof of his ability to respond in damages for any liability thereafter incurred, resulting from the operation, maintenance, use or operation thereafter of a motor vehicle for personal injury to or death of any one person in the amount of at least \$5,000.00 and subject to the aforesaid limit for any one person injured or killed, of at least \$10,000.00 for personal injury to or the death of two or more persons in any one accident and for damages to property in the amount of \$1,000.00 resulting from any one accident; to provide for and regulate insurance policies, indemnity bonds and deposits of cash or collateral as proof of ability to respond in damages as aforesaid; to provide for the enforcement of this Act and fix penalties for the violation thereof; to require the several courts of this State to furnish certified copies or transcript of the conviction of all persons convicted for the violation of any of the provisions of this Act; to provide for and authorize the commissioner to make rules and regulations necessary for the administration of this Act.

Was taken up.

Mr. Scruggs offered the following amendment to said bill to-wit:

Amend S. 38 by striking therefrom all of the following words and figures to-wit: All of the words and figures following the words, "Be it enacted by the Legislature of Alabama."

Further amend said bill by striking therefrom the following words, "Be it enacted by the Legislature of Alabama."

On motion of Mr. Teasley, said amendment was laid on the table.

Yeas 18; nays, 6.

Yeas:

Messrs.:

Bonner	Darden	Jordan	Riddle	
Brown	Edmundson	Kelley	Teasley	
Cooper	Garrett	Lapsley	Warren	
Cowart	Hildreth	Mullins	Wikle	
Craft	Hubbard			—18

Nays:

Messrs.:

Beasley	Duncan	Hooton	Scruggs	
Delony	Farmer			—6

And said bill was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 4.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	McDowell	
Beasley	Edmundson	Hooton	Mullins	
Bonner	Farmer	Hubbard	Riddle	
Brown	Faulk	Jordan	Teasley	
Cooper	Garrett	Kelley	Warren	
Craft	Goodwin	Lapsley	Wikle	—24

Nays: Messrs.: Delony, Duncan, Millsap and Scruggs

—4

NOTICE OF MOTION TO TAKE FROM ADVERSE CALENDAR

Mr. Bonner gave the following notice in writing:

Notice is hereby given that on the next legislative day, I will move to take from the Adverse Calendar of the Senate, S. 26, and that said bill then be given its second reading in the Senate. This Sept. 6, 1932.

J. M. Bonner,

Senator, 22nd Senatorial District of Alabama.

Mr. Bonner also gave the following notice in writing:

Notice is hereby given that on the next legislative day, I will move to take from the Adverse Calendar of the Senate, S. 27, and that said bill then be given its 2nd reading in the Senate. This Sept. 6, 1932.

J. M. Bonner,

Senator, 22nd Senatorial District of Alabama.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 111. To provide for and submit to the qualified electors of the State of Alabama; at the general election next succeeding the present session of the Legislature at which the amendment is proposed; an amendment to the Constitution of Alabama whereby the Legislature of Alabama may, from time to time, by general or local laws, fix, regulate and alter the costs, fees, commissions, allowances or salaries, including the method and basis of their compensation, to be charged or received by tax assessors and tax collectors for assessing and collecting taxes levied for public school purposes in Mobile County, providing, however, that the cost of publication of the Governor's proclamation of such election shall not be borne by the State of Alabama, and empowering the Board of School Commissioners of Mobile County to incur and pay such cost and expense; and whereby all acts of the Legislature heretofore passed and applicable, or purporting to be applicable, to Mobile County, and fixing, or purporting to fix, the compensation of tax assessors and tax collectors for assessing and collecting special taxes for public school purposes, on a salary basis, are validated and confirmed.

And requests Committee of Conference on the disagreement of the two Houses and the Speaker of the House has named as conferees on part of the House: Messrs. Taylor, Sossaman and Graden.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Craft, the Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two Houses on the Senate amendment to H. 111, the title of which is set out in the foregoing message from the House, and the President and Presiding Officer of the Senate appointed as conferees on part of the Senate Messrs Craft and Warren.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Brown
Caffey
Craft
Darden

Delony
Duncan
Goodwin
Hildreth
Hooton
Hubbard

Jordan
Kelley
McDowell
Millsap
Mullins
Powell

Scruggs
Teasley
Walker
Warren
Wikle

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution:

S. J. R. 39. Relative to the adjournment of the two Houses to-day until Friday, September 9th, 1932, at 10 A. M.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 54. To authorize the Sheriff of St. Clair County, Alabama, to employ two chief deputy sheriffs, one to reside at Pell City, and the other to reside at Ashville; to fix the compensation of such chief deputies; to provide for the payment of same and the manner thereof; and to repeal all laws in conflict with this Act insofar as the same apply to said St. Clair County, Alabama.

J. H. Stewart,
Clerk.

REPORT OF CONFERENCE COMMITTEE

TO THE HONORABLE HUGH C. MERRILL, President of the Senate,
and
TO THE HONORABLE A. M. TUNSTALL, Speaker of the House of Representatives of Alabama.

We your conference committee on H 111 respectfully report and recommend that the Senate of Alabama, recede from its amendments, and that the bill be passed as introduced.

Respectfully submitted,
On the part of the Senate,
JOHN CRAFT,
W. C. WARREN.

On the part of the House of Representatives,
W. C. TAYLOR,
TURNER GRANADE.

CONFERENCE REPORT

On motion of Mr. Craft, the Senate concurred in and adopted the foregoing report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 111. To provide for and submit to the qualified electors of the State of Alabama; at the general election next succeeding the present session of the Legislature at which the amendment is proposed; an amendment to the Constitution of Alabama whereby the Legislature of Alabama may, from time to time, by general or local laws, fix, regulate and alter the costs, fees, commissions, allowances or salaries, including the method and basis of their compensation, to be charged or received by tax assessors and tax collectors for as-

sessing and collecting taxes levied for public school purposes in Mobile County, providing, however, that the cost of publication of the Governor's proclamation of such election shall not be borne by the State of Alabama, and empowering the Board of School Commissioners of Mobile County to incur and pay such cost and expense; and whereby all Acts of the Legislature heretofore passed and applicable, or purporting to be applicable, to Mobile County, and fixing, or purporting to fix, the compensation of tax assessors and tax collectors for assessing and collecting special taxes for public school purposes, on a salary basis, are validated and confirmed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Riddle
Beasley	Duncan	Kelley	Scruggs
Brown	Faulk	McDowell	Teasley
Cooper	Garrett	Millsap	Walker
Craft	Goodwin	Mullins	Warren
Darden	Hooton	Powell	Wikle

—24

And said bill, was again read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Jordan	Riddle
Beasley	Faulk	Kelley	Scruggs
Brown	Garrett	McDowell	Teasley
Cooper	Goodwin	Millsap	Walker
Craft	Hooton	Mullins	Warren
Darden	Hubbard	Powell	Wikle
Delony			

—25

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 111. To provide for and submit to the qualified electors of the State of Alabama; at the general election next succeeding the present session of the Legislature at which the amendment is proposed; an amendment to the Constitution of Alabama whereby the Legislature of Alabama may, from time to time, by general or local laws, fix, regulate and alter the costs, fees, commissions, allowances or salaries, including the method and basis of their compensation, to be charged or received by tax assessors and tax collectors for assessing and collecting taxes levied for public school purposes in Mobile County, providing, however, that the cost of publication of the Governor's proclamation of such election shall not be borne by the State of Alabama, and empowering the Board of School

Commissioners of Mobile County to incur and pay such cost and expense; and whereby all Acts of the Legislature heretofore passed and applicable, or purporting to be applicable, to Mobile County, and fixing, or purporting to fix, the compensation of tax assessors and tax collectors for assessing and collecting special taxes for public school purposes, on a salary basis, are validated and confirmed.

J. H. Stewart,
Clerk.

RECESS

At 6 P. M. on motion of Mr. Powell, the Senate took a recess until eight o'clock tonight.

NIGHT SESSION—TENTH DAY

Tuesday, September 6th, 1932.

The Senate re-assembled at 8 P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Upon a call of the roll, the following members answered to their names, a quorum of the Senate:

Messrs.:

Bartlett	Darden	Hooton	Powell
Bonner	Delony	Jordan	Scruggs
Brown	Duncan	Kelley	Shepherd
Cooper	Farmer	Lapsley	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Mullins	Wikle

—24

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested:

H. 111. To provide for and submit to the qualified electors of the State of Alabama; at the general election next succeeding the present session of the Legislature at which the amendment is proposed; an amendment to the Constitution of Alabama whereby the Legislature of Alabama may, from time to time, by general or local laws, fix, regulate and alter the costs, fees, commissions, allowances or salaries, including the method and basis of their compensation, to be charged or received by tax assessors and tax collectors for assessing and collecting taxes levied for public school purposes in Mobile County, providing, however, that the cost of publication of the Governor's proclamation of such election shall not be borne by

the State of Alabama, and empowering the Board of School Commissioners of Mobile County to incur and pay such cost and expense; and whereby all acts of the Legislature heretofore passed and applicable, or purporting to be applicable to Mobile County; and fixing, or purporting to fix, the compensation of tax assessors and tax collectors for assessing and collecting special taxes for public school purposes, on a salary basis, are validated and confirmed.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama, for their consideration at the general election next succeeding the present session of the Legislature at which this amendment is proposed, to-wit: "The Legislature of Alabama may, from time to time, by general or local laws, fix, regulate and alter the costs, fees, commissions, allowances or salaries, including the method and basis of their compensation, to be charged or received by tax assessors and tax collectors for assessing and collecting taxes levied for public school purposes in Mobile County; provided, however, that no cost or expense of the publication of the Governor's proclamation giving notice of such election together with the proposed amendment, shall accrue to or fall upon the State of Alabama, and the Board of School Commissioners of Mobile County is hereby empowered and authorized to incur and pay the said costs and expenses of the publication of the Governor's Proclamation. All acts of the Legislature heretofore passed and applicable, or purporting to be applicable, to Mobile County, and fixing, or purporting to fix, the compensation of tax assessors and tax collectors, for assessing and collecting special taxes for public school purposes, on a salary basis, are hereby validated and confirmed."

Section 2. That notice of the election hereby ordered, with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least eight (8) successive weeks next preceding the date hereby appointed for such election.

Section 3. That at the time of holding the general election next succeeding the present session of the Legislature at which this amendment is proposed, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, namely:

"Shall the following be adopted as an amendment to the Constitution of the State of Alabama:

"The Legislature of Alabama may, from time to time, by general or local laws, fix, regulate and alter the costs, fees, commissions, allowances or salaries, including the method and basis of

their compensation, to be charged or received by tax assessors and tax collectors for assessing and collecting taxes levied for public school purposes in Mobile County; provided, however that no cost or expense of the publication of the Governor's proclamation giving notice of such election together with the proposed amendment, shall accrue or fall upon the State of Alabama, and the Board of School Commissioners of Mobile County is hereby empowered and authorized to incur and pay the said costs and expenses of the publication of the Governor's proclamation. All acts of the Legislature heretofore passed and applicable, or purporting to be applicable, to Mobile County, and fixing, or purporting to fix, the compensation of tax assessors and tax collectors, for assessing and collecting special taxes for public school purposes, on a salary basis, are hereby validated and confirmed."

Following the proposed amendment on the ballot shall be printed the word "Yes", and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross mark by him opposite the word expressing his desire. Officers of such general election shall be the officers of the election hereby called, and such election shall be held in all things in accordance with the laws governing general elections and the Constitutional provisions respecting amendments to the Constitution. In the election so held upon such proposed amendment, the votes cast thereat shall be canvassed and tabulated, and returns thereof be made to the Secretary of State, and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon such proposed amendment voted in favor of the same, said amendment shall be valid to all intents and purposes as part of the Constitution of Alabama. The result of said election shall be made known by the proclamation of the Governor.

Section 4. The expense of the election herein provided for shall be paid out of the State Treasury, in the same manner as the expenses of other elections are paid, but no part of the cost and expense of the publication of the Governor's proclamation giving notice of the said election together with the proposed amendment, shall be borne or paid by the State of Alabama, but shall be defrayed by the Board of School Commissioners of Mobile County, and the said Board of School Commissioners of Mobile County is hereby authorized and empowered to incur and pay such expense.

J. H. Stewart,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

NOTICE OF MOTION TO RECONSIDER VOTE

Mr. Walker gave the following notice in writing:

"I hereby give notice that on the next Legislative day I will move to reconsider the vote by which the bill:

S. 104. To provide for the revision, codification, digesting and promulgation of the public statutes of this State, both civil and criminal.

Was lost.

R. H. Walker."

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 15. For the relief of T. F. Griffin, Sheriff of Etowah County, Alabama.

S. 41. To authorize the City of Florala, Alabama, to use certain school bond funds on deposit in the defunct First National Bank of Florala, Alabama, as or in the Nature of a Set-Off or Counterclaim against an Indebtedness owed by said City to said Bank.

S. 80. To provide for the special relief of Lucia Jones and George W. Vanhooose, to authorize, empower and direct the Probate Judge of Tuscaloosa County, Alabama, and the custodian of the fiduciary funds of said county to pay to the said Lucia Jones and George W. Vanhooose out of the fiduciary funds paid or transferred to the treasury of said County by the register of the Circuit Court of said County on the 9th day of October, 1930, the sum of \$1600.13 upon condition that the said Lucia Jones and George W. Vanhooose first enter into bond to secure against loss as a result of such payment any and every person who within ten years from October 9th of 1930, proves himself or herself legally entitled to any part of said funds in the manner provided for in Section 10466 of the Code of Alabama, of 1923.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your standing committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined

the Journal of the Senate for the tenth legislative day, and finds same correct and containing all original entries and references thereto required by the Constitution.

Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and on motion of Mr. Farmer, said report was concurred in and the Journal of the Senate for the tenth legislative day approved by the Senate.

ADJOURNMENT

At 9 P. M., on motion of Mr. McDaniel, and pursuant to Resolution heretofore adopted, the Senate adjourned until Friday, September 9th, 1932, at 10 A. M.

ELEVENTH DAY

Friday, September 9th, 1932

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

By Dr. F. M. Barnes, of the Clayton St. Baptist Church of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett	Darden	Hooton	Powell
Beasley	Delony	Hubbard	Riddle
Bonner	Duncan	Jordan	Scruggs
Brown	Edmundson	Kelley	Shepherd
Caffey	Farmer	Lapsley	Teasley
Cooper	Garrett	McDaniel	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle

—32

JOURNAL

On motion of Mr. Garrett, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Kelley:

S. 138. To further regulate the use of the public highways in the State of Alabama and to prohibit the operation upon any of the public highways in the State of Alabama of any and all trucks and/or trailers and/or semi-trailers for commercial purposes on Sunday, and make the violation of this Act a misdemeanor and to prescribe the punishment for all violation to this Act; to provide that this Act shall not apply to persons, trucks and/or trailers and/or semi-trailers engaged, used or employed in interstate commerce or while removing perishable farm or dairy products.

Committee on Aviation and Traffic Regulations.

By Mr. Kelley:

S. 139. To amend Section 188 of the Alabama School Code.
Committee on Education.

By Mr. Cowart:

S. 140. To amend Section 92 of Article 6 of the Alabama School Code.

Committee on Education.

By Mr. Hildreth:

S. 141. To amend section 3762 of the Code of Alabama, 1923. Relates to Fees and Compensation of witnesses in criminal cases.
Committee on Judiciary.

By Mr. Darden:

S. 142. To abolish the County Board of Education of Coosa County, Alabama and to create and establish in lieu thereof a County School Board for Coosa County, Alabama; to define the number on said County School Board, define their qualifications, terms of office, and to provide for the election of the Members of the County School Board by the Senate of Alabama created under this act, and afterwards for their nomination and election as other county officers are nominated and elected, and if the Senate of Alabama is not in session when this act becomes effective said Members are to be appointed by the Governor of Alabama; to provide for filling vacancies on said County School Board of Coosa County, Alabama; to provide for the removal of Members of said County School Board; to define their duties and powers, to fix the compensation of members of said County School Board and the manner for paying the same; to provide for the organization of the County School Board of Coosa County, Alabama; to prohibit executive meetings of the County School Board of Coosa County; to make women eligible for members on said County School Board; and to provide that the County School Board of Coosa County,

shall be governed by all local or general laws not in conflict with the provisions of this Act.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Goodwater, Ala., August 8th, 1932.

To Whom This May Concern:

Notice is hereby given that a local bill for Coosa County, Alabama, will be introduced at the Special or Extraordinary Session of the Legislature of Alabama, the substance of which local bill will be as follows:

To abolish the County Board of Education of Coosa County, Alabama, and to create and establish in lieu thereof a County School Board for Coosa County, Alabama; to define the number on said County School Board, and to define the qualifications of members of the County School Board; to provide for the election or appointment of the members of the County School Board of Coosa County, Ala., to provide for their terms of office; to define the duties and powers of the County School Board of Coosa County, Alabama, and to provide for the removal of members of the County School Board of said County; to provide for filling vacancies on said County School Board and to fix the compensation for the members of the said County School Board and provide the manner in which same shall be paid; and to provide for the organization of the County School Board of Coosa County, Alabama; and to provide that the County School Board of Coosa County, Ala., shall be subject to all local, special or general laws, not in conflict with the provisions of this Act.

JOHN A. DARDEN, Senator,
34th District.

State of Alabama }
Coosa County }

Before me, the undersigned notary public for said county in said state, personally appeared Maggie Thomas, who being duly sworn states that she is the Office Manager of the Rockford Chronicle, a newspaper published at Rockford in Coosa County, in said State, and that the attached notice was published in said newspaper for four consecutive weeks, dated August 18th, 1932, August 25th, 1932, September 1st, 1932 and September 8th, 1932.

MAGGIE THOMAS,
Office Manager.

Sworn and subscribed to before me this the 8th day of September, 1932.

HENRY A. TEEL,
Notary Public.

(Seal)

By Mr. Darden:

S. 143. To abolish District Trustees of District Number Twenty-five, Coosa County, Alabama, or such other name the said District Trustees of said District Number Twenty-five, Coosa County, Alabama, are known and called; and to create in lieu thereof and to establish a Public School Board for District Number Twenty-five, Coosa County, Alabama to Consist of Five Members; to provide for the nomination and/or election of the Members of the said Public School Board of District Number Twenty-five; to define their qualifications and terms of office; to define their duties, powers and obliga-

tions; to provide for the organization of said Public School Board and to require said Board to keep a record of their meetings, and to provide that all meetings shall be public and to prohibit executive meetings of the said Board; and to provide that said Public School Board may establish reasonable rules and regulations for their guidance in their work as such Board, and to provide said Board may create, establish and enforce any reasonable qualifications for teachers in their district, not in conflict with the general laws of this state or that of the State Department of Education.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF A LOCAL BILL

Goodwater, Ala.,
August 8th, 1932.

To Whom it May Concern:

Notice is hereby given that a local bill for Coosa County, Ala., will be introduced at the Special or Extraordinary Session of the Alabama Legislature, which local bill will be in substance as follows:

1. To abolish District Trustees of District No. 25, Coosa County, Ala., or such other name the said District Trustees of District No. 25, Coosa County, Alabama, are known or called is abolished.
2. To create and establish a Public School Board for District Number Twenty-five (25), Coosa County, Alabama, to consist of five members.
3. To provide for the election of said Public School Board of District Number 25, to define their qualifications and terms of office.
4. To define their duties, powers and obligations.
5. To provide for the organization of the Public School Board and to require said Board to keep a record of their meetings.
6. To provide that the Public School Board for District Number Twenty-five may establish reasonable rules and regulations for their guidance in their work, and may create and establish and enforce any reasonable qualifications for teachers in their district, not in conflict with the general law of the State or that of the Department of Education.
7. To provide that all meetings of the Public School Board of District No. 25 shall be open and to prohibit executive sessions.

JOHN A. DARDEN, Senator,
District Thirty-four.

State of Alabama, }
Tallapoosa County. }

Before me, J. Percy Oliver, Judge of Probate in said state and for said county, personally appeared Thos. S. Bugg, publisher of The Goodwater Enterprise, Coosa County, Alabama, a newspaper of a general circulation in Coosa County, who deposes and says upon oath that the attached notice of a local bill for Coosa County was published for four consecutive issues in said newspaper, namely, on August 11, 1932; August 18, 1932; August 25, 1932 and on Sept. 1, 1932.

THOS. S. BUGG.

Sworn to and subscribed before me, this the 5th day of September, 1932.

(Seal)

J. PERCY OLIVER,
Probate Judge.

By Mr. Darden:

S. 144. To amend Section Three (3) of an Act, Entitled "An Act to provide for the election of a County Superintendent of Education of Coosa County, Alabama, to fix his term of office, to prescribe his salary and provide for the manner of payment of the same; to define his qualifications, powers and duties and to provide that women who meet the requirements of this Act are eligible to nomination and election to the office of County Superintendent of Education, of Coosa County, Alabama; to provide for the election of his successor in office and to provide for his removal by the County Board of Education for good cause, approved August 9th, 1927, Local Acts of Alabama, page 127, 1927.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF A LOCAL BILL

To Whom it May Concern:

Notice is hereby given that a local bill for Coosa County, Alabama, will be introduced at the Special or Extraordinary Session of the Alabama Legislature, the substance of which local bill will be as follows:

A BILL TO BE ENTITLED AN ACT

To amend Section 3 of an Act entitled An Act to provide for the election of a County Superintendent of Education of Coosa County, Alabama, to fix his term of office, to prescribe his salary and provide for the manner of the same; to define his qualifications, powers and duties and to provide that women who meet the requirements of this Act are eligible to nomination and election to the office of County Superintendent of Education, of Coosa County, Alabama; to provide for the election of his successor in office and to provide for his removal by the County Board of Education for good cause, approved August 9th, 1927, Local Acts of Alabama, page 127, 1927.

Be it Enacted by the Legislature of Alabama.

1. That Section 3 of said Act be amended so as to read as follows:

Section Three. That the salary of the County Superintendent of Education of Coosa County, Alabama, shall be fixed by the County Board of Education of Coosa County, Alabama, or by such other Board or agency hereafter created in lieu of the County Board of Education of said County, at not less than Fifteen Hundred Dollars and not more than Two Thousand Dollars per annum, payable in twelve equal monthly installments. Actual and necessary traveling expenses of the County Superintendent of Education proper for the efficient discharge of his official duties may be, also, allowed, same to be duly itemized and sworn to before being allowed or paid. The salary and allowance made herein shall be paid as now provided by law or as may hereafter be provided by law for paying County Superintendents of Education their salaries.

Said Act above referred to is further amended by adding the following section to said Act:

Be it Further Enacted by the Legislature of Alabama:

Section Eleven and One-Half (11½). That wherever the words, "County Board of Education of Coosa County," or "County Board of Education" are used in the foregoing Act, including the caption of said Act, same shall

be construed to mean and include words "County School Board of Coosa County, Alabama" or "County School Board," or any other agency enacted or created in lieu of the "County Board of Education of Coosa County, Alabama."

JOHN A. DARDEN, Senator,
34th District.

State of Alabama, }
Tallapoosa County. }

Before me, J. Percy Oliver, Judge of Probate in said state and for said County, personally appeared Thos. S. Bugg, publisher of The Goodwater Enterprise, a newspaper published at Goodwater, Alabama, Coosa County and with a general circulation in said county, who deposes and says upon oath that the attached notice of a local bill for Coosa County was published for four consecutive times in said paper, namely, on August 11, 1932; August 18, 1932; August 25, 1932; and on September 1, 1932.

THOMAS S. BUGG.

Sworn to and subscribed before me, this the 5th day of September, 1932.

J. PERCY OLIVER,
Probate Judge.

(Seal)

By Mr. Craft:

S. 145. To repeal Section 2906 of the Code of Alabama 1923.
Committee on Printing.

By Mr. Jordan:

S. 146. To require corporations, companies, associations and reciprocal or inter-insurance exchange before engaging in the business of writing casualty insurance in this State, to deposit approved securities, or bonds in lieu thereof, with the State Treasurer, in trust, as a guaranty of faithful performance of their policy obligations.

Committee on Banking and Insurance.

By Mr. Teasley:

S. 147. To amend Section 6854 of the 1923 Code of Alabama.
Committee on Judiciary.

By Mr. Edmundson:

S. 148. To amend Section 370 of the Code of Alabama.
Committee on Privileges and Elections.

By Mr. Bonner:

S. 149. To repeal the act approved July 10th, 1931, entitled "An act to protect the public health and welfare, to provide for the construction, maintenance and operation of hospitals and sanatoria for the treatment of tuberculosis, and to make appropriations for the building and maintenance of same."

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teasley:

S. 73. For the relief the tax payers permitting and authorizing the transfer of any tax claim held by the State of Alabama, any county, municipality or taxing district thereof and authorizing and directing the issue of certificates evidencing such transfers and securing to the owner or holder of such certificates the same liens and the same remedies for enforcing said tax claims as the State of Alabama or the county or municipality or taxing district had prior to said transfer by it and providing for the enforcement and release thereof by such owner or holder".

By Mr. Walker:

S. 90. To amend Schedule 52 of an act to provide for the general revenues of the State of Alabama approved September 15, 1919.
By Mr. Craft (with amendment):

S. 111. That all shipments of gasoline and lubricating oils or substitutes therefor received at any station on railroads, transported into the State of Alabama by ships, barges, and trucks, railroad companies, including both inter-state and intrastate shipments and by whatsoever means such gasoline and lubricating oils or substitutes therefor may be transported, accurate reports thereof may be made to the State Tax Commission not later than the 20th day of each and every calendar month for the preceding month, giving the name and address of the consignor and consignee, shipping and receiving said gasoline, or lubricating oils, and substitutes therefor and number of gallons or pounds of each and every shipment; and fixing a penalty of not less than Five Hundred Dollars for each and every violation of the provisions of this Act.

By Mr. Teasley:

S. 128. To authorize Boards of Revenue, or other like governing body, in all counties which now have a population of not less than Seventy-five Thousand, nor more than One Hundred and Ten Thousand persons, according to the last Federal Census, or according to any such census hereafter taken, to expend not exceeding Twenty-five Hundred Dollars in advance payment for hospital accommodation and services for the poor of such county.

By Mr. Lapsley:

S. 136. To relieve Tax Assessors in all counties in Alabama which now have, or which may hereafter have a population of not less than Fifty Five Thousand and not more than Sixty Four Thousand Two Hundred according to the last Federal Census, or any such census which may be taken hereafter, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as a permanent record and prepare tax collectors abstracts from said assessment lists.

By Mr. Sanderson:

H. 179. To permit purchasers, mortgagees or lien holders to pay a proportionate or ratable amount of taxes on personal property sold to such purchaser or subject to such mortgage or lien without paying the entire taxes which are a lien upon said property, and upon such payment to relieve such property from any further lien.

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Walker (with notice and proof):

S. 130. To relieve all persons of any legal obligation to work on the public streets in the City of Athens, Limestone County, State of Alabama, or to pay any money in lieu of such legal obligation to work on the public streets in Athens, Limestone County, Alabama.

By Mr. Walker (with notice and proof):

S. 131. To amend Section One of an Act approved July 17, 1931, entitled "An Act to provide for the quarterly publication by the city clerk of Athens, Alabama, of an itemized report of the receipts and expenditures of said city of Athens, Alabama for each preceding three months, and to provide penalty for failure to observe said law."

Mr. Hubbard, Chairman of the Standing Committee on Education, reported that said committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Walker (with amendment):

S. 5. To amend Section 58 of the Code of laws relating to education adopted by an Act of the Legislature entitled, "An Act to adopt the Code of laws relating to education, proposed in accordance with the provisions of the Act approved August 11, 1927, entitled 'An Act to provide for the revision, codification, digesting and promulgation of the public statutes of Alabama relating to education,'" approved August 27, 1927.

By Mr. Lapsley (with substitute):

S. 40. To amend Section 217 of the Alabama School Code of 1927.

Mr. McDaniel, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Faulk:

S. 119. To prohibit the use by State officers and employees of any money or property of the State of Alabama, in election campaigns or in securing the passage or defeat of proposed legislation (except in discharge of duties imposed by law on State officers or employees), and to provide a penalty for the violation of this Act. By Mr. Hooton:

S. 103. To amend Section 56, of an act entitled an act, to provide for and regulate and control Primary Elections for the nomination by Political Parties, of Candidates for Public Office within the State of Alabama, No. 56, and approved February 25, 1931.

By Mr. Teasley:

S. 127. To provide for absent qualified electors of the State of Alabama to vote in any primary, general, special or municipal election in this State while absent from the State or from the County in which they are qualified electors; to provide the method of carrying out such provision, and to provide for and require election officers and others charged with duties hereunder to perform duties in connection therewith.

ADVERSE REPORT

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the adverse calendar, to-wit:

By Mr. Teasley (with substitute):

S. 94. To repeal Sections 44, 45, 46, 47, 48, 49, 50, 51 and 52 of an act in reference to and to further provide for the general revenue of the State of Alabama approved July 22, 1927.

LEAVES OF ABSENCE

On motion of Mr. Scruggs, leave of absence was granted Mr. Faulk for today.

On motion of Mr. Powell, leave of absence was granted Mr. McDowell for today.

RESOLUTIONS

Mr. Hildreth offered the following joint resolution:

S. J. R. 40. Be it resolved by the Senate, the House concurring, that when the two Houses adjourn today, they adjourn to meet again on Tuesday, September 13th., 1932, at 11 A. M.

And on motion of Mr. Hildreth, the rules were suspended, the resolution put upon its immediate passage and adopted.

Mr. Riddle offered the following joint resolution:

S. J. R. 41. WHEREAS, since 1907 the State of Alabama has by Legislative action granted state aid for the erection, repair, and equipment of rural schoolhouses; and

WHEREAS, during the past ten years 1,271 rural schoolhouses costing \$11,241,586 have been erected at a cost to the State of only \$2,022,526; and

WHEREAS, surveys made with Legislative authority since 1928 under the direction of the State Department of Education in thirty-eight counties of the State show a need of \$11,566,800 in those counties alone for the erection, repair, and equipment of schoolhouses; and a need of equal importance and proportion undoubtedly exists in the twenty-nine counties which have not yet been surveyed; and

WHEREAS, owing to the present economic depression the annual Legislative appropriation of \$350,000 for the erection, repair, and equipment of rural schoolhouses is not now available; and

WHEREAS, the cessation or the material reduction of school-building activities would greatly retard educational development throughout the State and conduce to increase unemployment throughout the State; and

WHEREAS, it is absolutely essential that funds be made immediately available in order not only that buildings now under construction may be completed, but also that necessary building programs may be carried forward; therefore,

BE IT RESOLVED by the Senate, the House concurring,

That the Governor be and he is hereby requested immediately to make application to the Reconstruction Finance Corporation of the United States for a loan of \$1,050,000 to be used over a period of three years in lieu of the present annual state appropriation of \$350,000 for the erection, repair, and equipment of rural schoolhouses.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Shepherd (with notice and proof):

H. 57. To repeal an act entitled "An Act to amend Sections 4 and 6 of an Act entitled an Act "To prescribe the qualifications and term of the Judge of the County Court of Walker County, Alabama and to provide for his appointment and election, and fixing his salary and prescribing his powers, duty and authority, approved September 6, 1927" Said Act being House Bill No. 424 and which was approved on July 17th, 1931.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

As is required by the Constitution and Laws of the State of Alabama, notice is hereby given that the following local bill for Walker County, Alabama will be introduced and offered for passage of the Special or Extraordinary Session of the Legislature of Alabama, said Legislature being the first called session after the regular 1931 session of said Legislature:

AN ACT

To repeal an Act entitled "An Act to amend Sections 4 and 6 of an Act entitled an Act "To prescribe the qualifications and term of the Judge of the County Court of Walker County, Alabama and to provide for his appointment and election, and fixing his salary and prescribing his powers, duty and authority, approved September 6, 1927." Said Act being House Bill No. 424 and which was approved on July 17th, 1931.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That an Act entitled "An Act to amend Sections 4 and 6 of an Act entitled an Act, "To prescribe the qualifications and terms of the Judge of the County Court of Walker County, Alabama and to provide for his appointment and election, and fixing his salary and prescribing his powers, duty and authority, approved September 6, 1927," said amended bill being approved on July 17, 1931," be and the same is hereby repealed.

Section 2. This Act shall become effective upon the approval of the Governor.

J. CARL SHEPHERD,
Representative Walker County.

The State of Alabama, }
Walker County. }

Before me, the undersigned authority in and for said State and County, this day personally appeared, Irving A. Dove, publisher of the Jasper Advertiser, a newspaper published at Jasper, Walker County, Alabama, who being duly sworn says that the legal notice, copy of which is hereto attached, was published in said Jasper Advertiser once a week for four consecutive weeks, as follows:

June 1, 1932, June 8, 1932, June 15, 1932 and June 22, 1932.

IRVING A. DOVE,
Publisher.

Sworn to and subscribed before me this the 10th day of August, 1932.

M. D. MCPOLAND,
Notary Public.

Also:

By Mr. Shepherd (with notice and proof):

H. 58. To repeal an act entitled "An Act to authorize the Sheriff of Walker County, Alabama to appoint two special and general deputies, fix their tenure of office, prescribe their duties, fix their compensation and to authorize and require the Court of County Commissioners to pay the same by warrants drawn on the Treasurer and paid out of the general funds of said county, and to require said deputies to give bonds in the sum of \$2000.00 payable

to said Sheriff with conditions as required by Section 2595 of the Code of Alabama of 1923." Approved February 27, 1927.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

As is required by the Constitution and Laws of the State of Alabama, notice is hereby given that the following local bill for Walker County, Alabama will be introduced and offered for passage of the Special or Extraordinary Session of the Legislature of Alabama, said session of said Legislature being the first called session after the regular 1931 session of said Legislature.

AN ACT.

To repeal an Act entitled "An Act to authorize the Sheriff of Walker County, Alabama to appoint two special and general deputies, fix their tenure of office, prescribe their duties, fix their compensation and to authorize and require the Court of County Commissioners to pay the same by warrants drawn on the Treasurer and paid out of the general funds of said County, and to require said deputies to give bonds in the sum of \$2000.00 payable to said Sheriff with conditions as required by Section 2595 of the Code of Alabama of 1923." Approved February 27, 1927.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That an Act entitled "An Act to authorize the Sheriff of Walker County, Alabama, to appoint two special and general deputies, fix their tenure of office, prescribe their duties, fix their compensation and to authorize and require the Court of County Commissioners to pay the same by warrants drawn on the treasurer and paid out of the general funds of said county, and to require said deputies to give bonds in the sum of \$2000.00 payable to said Sheriff with conditions as required by Section 2595 of the Code of Alabama of 1923," which said Act was approved February 21st, 1927, be and the same is hereby repealed.

Section 2. That this act shall take effect upon its approval by the Governor.

Section 3. That all laws and parts of laws, either general or local, in conflict with this Act be and the same are hereby repealed.

J. CARL SHEPHERD,
Representative Walker County.

The State of Alabama, }
Walker County. }

Before me, the undersigned authority in and for said State and County, this day personally appeared, Irving A. Dove, publisher of the Jasper Advertiser, a newspaper published at Jasper, Walker County, Alabama, who being duly sworn says that the legal notice, copy of which is hereto attached, was published in said Jasper Advertiser once a week for four consecutive weeks, as follows:

June 1-8-15 and 22, 1932.

IRVING A. DOVE,
Publisher.

Sworn to and subscribed before me this the 10th day of August, 1932.

M. D. McPOLAND,
Notary Public.

Also:

By Mr. Shepherd (with notice and proof):

H. 59. To fix the salary of the Tax Assessor of Walker County, Alabama, and to provide for clerical assistance and other expenses; to require said Tax Assessor to collect all fees, compensations, allowances and commissions heretofore collected by said Tax Assessor from any and all funds and surces, including county, state and school funds and all other sources, and to pay same into the county treasury of Walker County, Alabama, and to provide for the payment of the salary, clerical assistance, and other office expense out of the general funds of Walker County, Alabama, and to fix the time this bill shall become a law.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

As is required by the Constitution and Laws of the State of Alabama, notice is hereby given that the following local bill for Walker County, Alabama will be introduced and offered for passage in the Special or Extraordinary Session of the Legislature of Alabama, said Session of said Legislature being the first called session after the Regular 1931 session of the Legislature of Alabama:

AN ACT.

To fix the salary of the Tax Assessor of Walker County, Alabama, and to provide for clerical assistance, and other expenses; to require said Tax Assessor to collect all fees, compensations, allowances and commissions heretofore collected by said Tax Assessor from any and all funds and sources, including County, State and School funds and all other sources and to pay the same into the County Treasury of Walker County, Alabama, and to provide for the payment of the salary, for the payment of the salary, clerical assistance out of the general funds of Walker County, Alabama, and to fix a time said Act shall become a law.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That commencing at the beginning of the next term of office, subsequent to the general election to be held on the first Tuesday after the first Monday in November, 1934, the salary of the Tax Assessor of Walker County, Alabama, shall be Three thousand (\$3,000.00) Dollars net per annum, and he shall be allowed the further and additional sum of Three Thousand (\$3,000.00) Dollars for clerical assistance and other office expenses, the said sums shall be paid to the Tax Assessor in equal monthly installments and disbursed by him. All of said salary shall be paid to the Tax Assessor of Walker County, Alabama and all of said sums named above for clerical assistance and other office expenses shall be paid to the Tax Assessor of Walker County, Alabama, in equal monthly installments out of the general funds of Walker County, Alabama upon warrants drawn by the Judge of Probate of said Walker County, Alabama. The salary named above and the amount allowed and named above for clerical help and other office expenses shall be in lieu of all fees, compensations, allowances and commissions heretofore allowed and collected by the Tax Assessor of Walker County, Alabama.

Section 2. That said Tax Assessor of Walker County, Alabama shall continue to collect all fees, compensations, commissions and allowances heretofore collected by him from any and all funds and sources, including County, State and School funds and all other sources, and shall pay same into the

County Treasury on the first Monday of each and every calendar month after assuming the duties of the office.

Section 3. The County Commission of Walker County, Alabama, or other like governing body of Walker County, Alabama, shall provide said Tax Assessor with the necessary quarters, books, stationery, office equipment, supplies, postage and other conveniences, necessary for the efficient handling the affairs of the said office.

Section 4. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

J. CARL SHEPHERD,
Representative Walker County.

The State of Alabama, }
Walker County. }

Before me, the undersigned authority in and for said State and County, this day personally appeared, Irving A. Dove, publisher of the Jasper Advertiser, a newspaper published at Jasper, Walker County, Alabama, who being duly sworn says that the legal notice, copy of which is hereto attached, was published in said Jasper Advertiser once a week for four consecutive weeks as follows: June 8, June 15, June 22 and June 29, 1932.

IRVING A. DOVE,
Publisher.

Sworn to and subscribed before me this the 10th day of August, 1932.

M. D. McPOLAND,
Notary Public.

Also:

By Mr. Shepherd (with notice and proof):

H. 60. To fix the salary of the Tax Collector of Walker County, Alabama, and to provide for clerical assistance and other expenses; to require said Tax Collector to collect all fees, compensations, allowances and commissions heretofore collected by said Tax Collector from any and all funds and surces, including county, State and School funds and all other sources, and to pay same into the County Treasury of Walker County, Alabama, and to provide for the payment of the salary, clerical assistance, and other office expense out of the general funds of Walker County, Alabama, and to fix the time this bill shall become a law.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

As is required by the Constitution and Laws of the State of Alabama, notice is hereby given that the following local bill for Walker County, Alabama will be introduced and offered for passage at the Special or Extraordinary Session of the Legislature of Alabama, said Session of said Legislature being the first called session after the Regular 1931 Session of said Legislature of Alabama.

AN ACT

To fix the salary of the Tax Collector of Walker County, Alabama, and to provide for clerical assistance and other expenses; to require said Tax Collector to collect all fees, compensations, allowances and commissions heretofore collected by said Tax Collector from any and all funds and sources, including County, State and School funds and all other

sources, and to pay same into the County Treasury of Walker County, Alabama, and to provide for the payment of the salary, clerical assistance, and other office expense out of the general funds of Walker County, Alabama, and to fix the time this bill shall become a law.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA,

Section 1. That commencing at the beginning of the next term of office, subsequent to the general election to be held on the first Tuesday after the first Monday in November, 1934, the salary of the Tax Collector of Walker County, Alabama, shall be Three Thousand (\$3,000.00) Dollars net per annum, and he shall be allowed the further and additional sum of Eighteen Hundred (\$1,800.00) Dollars for clerical assistance and other office expenses, the said sum shall be paid to the Tax Collector in equally monthly installments and disbursed by him. All of said salary shall be paid to the Tax Collector of Walker County, Alabama, and all of said sum named above for clerical assistance and other office expenses shall be paid to the Tax Collector of Walker County, Alabama, in equal, monthly installments out of the general Funds of Walker County, Alabama, upon warrants drawn by the Judge of Probate of said Walker County, Alabama. The salary and clerical help and other office expense shall be in lieu of all fees, compensations, commissions and allowances heretofore allowed and collected by the Tax Collector of Walker County, Alabama.

Section 2. That said Tax Collector of Walker County shall continue to collect all fees, compensations, commissions and allowances heretofore collected by him from any and all funds and sources, including County, State and School funds and all other sources, and shall pay same into the County Treasury on the first Monday of each and every calendar month after assuming the duties of the office.

Section 3. The County Commission of Walker County, Alabama, or other like governing body of Walker County, Alabama, shall provide said Tax Collector with the necessary quarters, books, stationery, office equipment, supplies, postage and other conveniences necessary for the efficient handling of the affairs of the said office.

Section 4. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

J. CARL SHEPHERD,
Representative Walker County.

The State of Alabama, }
Walker County. }

Before me, the undersigned authority in and for said State and County, this day personally appeared, Irving A. Dove, publisher of the Jasper Advertiser, a newspaper published at Jasper, Walker County, Alabama, who being duly sworn says that the legal notice, copy of which is hereto attached, was published in said Jasper Advertiser once a week for four consecutive weeks as follows: June 8, June 15, June 22 and June 29, 1932.

IRVING A. DOVE,
Publisher.

Sworn to and subscribed before me this the 10th day of August, 1932.

M. D. McPOLAND,
Notary Public.

Also:

By Mr. Shepherd (with notice and proof):

H. 61. To amend Section Three of an act entitled "An Act to abolish the Board of Revenue of Walker County, Alabama, and to establish in lieu thereof a County Commission; to provide when

said Board of Revenue shall be abolished and said Commission established; to provide the number of members who shall constitute the members of said Commission, and to prescribe their terms of office, authority, powers and duties and fix their compensation; to provide for the selection and election of said members and to repeal all laws and parts of laws in conflict herewith," approved June 13, 1931.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

As is required by the Constitution and Laws of the State of Alabama, notice is hereby given that the following local bill for Walker County, Alabama, will be introduced and offered for passage in the Special or Extraordinary session of the Legislature of Alabama, said session of said Legislature being the first called Session after the Regular 1931 session of said Legislature:

AN ACT.

To amend Section Three of an Act entitled "An Act to abolish the Board of Revenue of Walker County, Alabama, and to establish in lieu thereof a County Commission; to provide when said Board of Revenue shall be abolished and said Commission established; to provide the number of members and who shall constitute the members of said County Commission, and to prescribe their terms of office, authority, powers and duties and fix their compensation; to provide for the selection and election of said members and to repeal all laws and parts of laws in conflict herewith," approved June 13, 1931.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

That Section Three of an Act entitled "An Act to abolish the Board of Revenue of Walker County, Alabama, and to establish in lieu thereof a County Commission, to provide when said Board of Revenue shall be abolished and said County Commission established; to provide the number of members and who shall constitute the members of said County Commission, and to prescribe their terms of office, authority, powers, and duties and fix their compensation; to provide for the selection and election of said members, and to repeal all laws and parts of laws in conflict herewith," approved June 13, 1931 be amended so as to read as follows: Section 3. That the salary of the Chairman and the salaries of the other two members of said County Commission shall be Twenty Four Hundred Dollars each per year, one-twelfth of such yearly salaries to be paid on the first of each month during the term; and such salaries shall be payable by warrants drawn by the Chairman upon the general funds of the County.

J. CARL SHEPHERD,
Representative Walker County.

The State of Alabama, }
Walker County. }

Before me, the undersigned authority in and for said State and County, this day personally appeared, Irving A. Dove, publisher of the Jasper Advertiser, a newspaper published at Jasper, Walker County, Alabama, who being duly sworn says that the legal notice, copy of which is hereto attached, was published in said Jasper Advertiser once a week for four consecutive weeks as follows: June 8, June 15, June 22 and June 29, 1932.

IRVING A. DOVE,
Publisher.

Sworn to and subscribed before me this the 10th day of August, 1932.
M. D. McPOLAND,
Notary Public.

Also:

By Mr. Green:

H. 186. To provide for the levy, assessment and collection of Estate Taxes in the State of Alabama.

Also:

By Mr. Sossaman:

H. 196. To amend Section 1 of an Act of the Legislature of Alabama approved, September 27, 1923, entitled "An Act to provide that in all cities in Alabama having a population of not less than 60,000 and not more than 150,000 according to the last Federal census, which have adopted or may hereafter adopt the general commission form of government, the Board of Road and Revenue Commissioners, or other governing body of the respective counties may pay to the Recorder for ex-officio services rendered by him in the trial of cases in Recorder's Court wherein there is charged a violation of the laws of the State of Alabama, a sum not exceeding \$900.00 per annum payable in twelve equal monthly installments out of the County Treasury" so as to reduce the maximum population of said class of cities to 68,000 people."

Also:

By Mr. West:

H. 210. To amend Section 19 of an Act approved September 25, 1915, entitled "An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said commissioners, and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act;" as amended by an Act approved August 15, 1923, entitled: An Act "To amend an Act approved September 25, 1915, entitled, "An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or **any such census which may hereafter be taken**, when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said commissioners and to

otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal, all laws and parts of laws in conflict with the provisions of this Act; and to provide for the going into effect of the various sections of said Act as amended."

Also:

By Mr. Sossaman:

H. 221. To amend Sections 3, 6 and 7 of an Act entitled "An Act to authorize the courts of County Commissioners, Boards of Revenue and Road Commissioners, or other governing bodies of like jurisdiction in all counties which now have or hereafter may have a population of not less than 105,000 and not more than 300,000 according to the last or any succeeding Federal Census, to establish and designate in all State and County elections, general, primary and special one or more voting places in all election precincts outside of the incorporated limits, of each incorporated city or town in said Counties, when it is deemed necessary for the convenience of the voters therein, and one voting place in each election ward in any incorporated city or town in said counties, and to authorize the Board of Commissioners of each incorporated city or other governing body of like jurisdiction of any city or town, to establish and designate a voting place in each ward in said city or town at which the qualified voters in such wards shall cast their ballots, and to require the Probate Judge of such counties to separate the list of qualified voters voting in those wards or districts that lie within the city limits or that are commonly known and considered as city wards or districts in groups in alphabetical order so that no group shall contain more than three hundred qualified voters, and in each State and County election to establish a voting place in each city ward, and to require the probate judge in such counties to furnish the election managers of city wards or districts a list of qualified voters in groups as herein provided and to provide for the method of payment to the probate judge for the furnishing of said lists, and to require voters in city wards or districts in all elections to vote in the voting places assigned to them in alphabetical groups, and to require the legally constituted Boards or Committees by whatever name called authorized and empowered by law to appoint election officials to appoint sets of election officials for each group of three hundred qualified voters arranged alphabetically," approved May 28, 1931 (General Acts, 1931, page 269).

Also:

By Mr. West:

H. 230. To abolish the office of Commissioner of Licenses in all Counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census, and to transfer all of the duties of said office to the Probate Judge of said County, and providing that all fees and costs now provided by law

to be collected by the Commissioner of Licenses shall be collected by the Probate Judge and paid over by him to the County Treasurer, and providing that the Probate Judge of said County shall receive no additional compensation for the performance of said duties.

Also:

By Mr. Kelly of Talladega:

H. 241. To amend Section 9590 of the Code of Alabama of 1923.

Also:

By Mr. Ogden (with notice and proof):

H. 265. To prescribe the duties and fix the compensation of the Deputy Solicitor for Lamar County, Alabama, and to repeal all laws and parts of laws in conflict with this Act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

As required by the Constitution and laws of the State of Alabama notice is hereby given that a bill in substance as follows will be introduced and offered for passage at the special or extraordinary session of the Legislature of Alabama said session being the first session after the regular 1931 session of said legislature.

AN ACT

To prescribe the duties and fix the compensation of the Deputy Solicitor of Lamar County, Alabama and to repeal all laws and parts of laws in conflict with this Act.

Section 1. That the salary of the Deputy Solicitor for Lamar County, Alabama, be, and the same is hereby fixed at the sum of \$600.00 per annum, which shall be payable out of the county treasury of Lamar County, Alabama, in monthly installments of \$50.00 each.

Section 2. The Judge of Probate of Lamar County is hereby authorized and directed to issue a warrant on the Treasury of Lamar County Alabama, for the sum of \$50.00 on the first day of the month after a like warrant for the same amount to the Deputy Solicitor of Lamar County for his salary, and to issue the passage of this Act, payable on the first day of each month thereafter for the same purpose.

Section 3. That for and in consideration of the above compensation, and in addition to the duties now prescribed by law for Deputy Solicitors, The Deputy Solicitor of Lamar County shall act as County Attorney, and legal adviser for the County Officers of Lamar County and shall perform such other duties as may be required of him by the court of County Commissioners of Lamar County.

Section 4. All laws and parts of laws in conflict with the provisions of this Act, be, and the same are hereby repealed.

Section 5. That this Act shall take effect on its approval by the governor.

W. W. OGDEN, Representative Lamar County, Alabama.

AFFIDAVIT OF PUBLICATION.

State of Alabama, }
 Lamar County. }

Personally appeared before me, a notary public in and for said State and County, Lee Barnes who, after being duly cautioned and sworn, deposeth and says as follows: That he is the Publisher of the Lamar Democrat, a weekly newspaper, published in the State of Alabama, County of Lamar, Town of Vernon, and that a legal notice was published for 4 (four) consecutive weeks in the above named paper Aug. 3, 10, 17, 24, copy of which advertisement is hereto attached.

LEE BARNES.

Sworn to and subscribed before me, this 27 day of Aug. 1932.

NONA McNEES,

Notary Public.

Also:

By Mr. Ogden (with notice and proof):

H. 266. To authorize the Court of County Commissioners of Lamar County, Alabama, to support the paupers in the County without sending all of them to the poor house.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

As is required by the Constitution and laws of the State of Alabama notice is hereby given that a bill in substance as follows will be introduced and offered for passage at the special or extraordinary session of the Legislature of Alabama, said session being the first session after the regular 1931 session of said Legislature.

AN ACT:

To authorize the Court of County Commissioners of Lamar County, Alabama, to Support the paupers in the county without sending all of them to the Poor House.

Be it enacted by the Legislature of Alabama:

Section 1. That upon the passage of this Act the Court of County Commissioners of Lamar County shall have the power to decide which of the county poor shall be maintained inside or outside of the County Poor House. That those who are entitled to maintenance outside shall be given a monthly allowance as may be deemed necessary by the court, provided that all persons seeking maintenance with permission to reside outside the poor house shall file a petition with said court to that effect, supported by endorsements as proof that it would be just, meritorious and economical for the county to make the allowance and grant the petition.

W. W. OGDEN, Representative Lamar County, Alabama.

State of Alabama, }
 Lamar County. }

Personally appeared before me, a Notary Public in and for the said State and County, Lee Barnes who, after being duly cautioned and sworn, deposeth and says as follows: That he is the Publisher of The Lamar Democrat, a weekly newspaper, published in the State of Alabama, County of Lamar, Town of Vernon, and that a legal notice was published for 4 (Four) consecutive weeks in the above named paper Aug. 3, 10, 17, 24.

Copy of which advertisement is hereto attached.

LEE BARNES.

Sworn to and subscribed before me, this 27th day of Aug. 1932.
 NONA McNEES,
 Notary Public.

Also:

By Mr. Ogden (with notice and proof):

H. 267. To fix the pay of grand jurors and petit jurors serving in the Circuit Court of Lamar County. To prescribe the manner of payment and to prescribe the duties of the Circuit Clerk and County Treasurer of Lamar County under this Act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE AND PROOF.

NOTICE

As required by the Constitution and laws of the State of Alabama notice is hereby given that a bill in substance as follows will be introduced and offered for passage at the special or extraordinary session of the legislature of Alabama, said session being the first session after the regular 1931 session of said Legislature.

AN ACT:

To fix the pay of grand jurors and petit jurors serving in the circuit court of Lamar County. To prescribe the manner of payment and to prescribe the duties of the circuit clerk and county treasurer of Lamar County under this act.

Be it enacted by the Legislature of Alabama:

Section 1. Grand jurors and petit jurors, serving in the circuit court of Lamar county, Alabama shall be entitled to receive the sum of \$2.00 per day for each day's service and in addition thereto shall receive three cents for each mile traveled in going to and returning from court, to be proved by the oath of the juror before the clerk of the circuit court.

Section 2. That it shall be the duty of the clerk of the circuit court to give each juror a certificate stating therein the number of days he has served and the number of miles traveled and the total amount of compensation to which he is entitled, and payable out of the county treasury.

Section 3. It shall be the duty of the county treasurer to pay said certificates in cash when presented for payment.

Section 4. That all laws and parts of laws local, general and special in conflict with this Act be and they are hereby repealed.

Section 5. That this Act shall take effect on its approval by the Governor.

W. W. OGDEN, Representative Lamar County, Alabama.

AFFIDAVIT OF PUBLICATION.

State of Alabama, }
 Lamar County. }

Personally appeared before me, a Notary Public in and for the said State and County, Lee Barnes who, after being duly cautioned and sworn, deposeth and says as follows: That he is the Publisher of the Lamar Democrat, a weekly newspaper, published in the State of Alabama, County of Lamar, Town of Vernon, and that a legal notice was published for 4 (Four) consecutive weeks in the above named paper, Aug. 3, 10, 17, 24, copy of which advertisement is hereto attached.

LEE BARNES.

Sworn to and subscribed before me, this 27th day of Aug., 1932.

NONA McNEES,
Notary Public.

Also:

By Mr. Bains:

H. 1. To empower Boards of Revenue, Courts of County Commissioners, or like governing bodies, to fix the amount of Official Bonds of all County Officers and all County employees who are intrusted with the handling of public funds, except those official bonds that are now fixed by law, to approve their bonds made by Individuals, Banks, or Corporations that they may consider good and solvent, and to provide for the payment of the premiums of said bonds.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 57, 58, 59, 60, 61, 196, 221, 265, 266 and 267 to the Committee on Local Legislation.

H. 186 to the Committee on Finance and Taxation.

H. 210 and 230 to the Committee on Banking and Insurance.

H. 1 and 241 to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Tucker:

H. 225. To provide for the election of a County Superintendent of Education by qualified electors of Clarke County, to fix his term of office, to designate the time of said election, the time at which he shall assume the duties of said office, to prescribe the salary of said superintendent and manner of payment thereof, to define his qualifications, powers and duties, to provide for filling vacancy in said office, to require said superintendent to give bond, to prescribe the nature and amount of said bond and how the premium on same shall be paid.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama, }
 Clarke County. }

Before me, Myrtie N. McCrory, a Notary Public, in and for said County and State, personally appeared, Earl L. Tucker, the owner and publisher of the Thomasville Times, a weekly newspaper published in Thomasville, Alabama, Clarke County, and who being duly sworn doth depose and say:

That the following notice was published in the Thomasville Times, for four consecutive weeks, and said publications on these dates, namely:

First notice, July 21, 1932, Second notice, July 28, 1932, Third notice, August 4, 1932, Fourth notice, August 11, 1932, which notice so published in each of said issues in said newspaper was in the words and figures as follows:

NOTICE

Notice is hereby given that a bill will be introduced at the next special session of the Legislature of Alabama to provide for the election of a County Superintendent of Education by the qualified electors of Clarke County, to fix his term of office, to designate the time of election, to prescribe his salary and manner of payment, to define his qualifications, powers and duties, to provide for filling vacancies in said office, to require his giving bond, nature and amount of bond and how the premium of said bond is to be paid.

EARL L. TUCKER,

Affiant.

Sworn to and subscribed before me this 22nd day of August, 1932.

MYRTIE N. MCCRORY,

Notary Public.

And sends same herewith to the Senate.

J. H. Stewart,
 Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 225 to the Committee on Local Legislation.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 80. To provide for the special relief of Lucia Jones and George W. Vanhooose, to authorize, empower and direct the Probate Judge of Tuscaloosa County, Alabama, and the custodian of the fiduciary funds of said county to be paid to the said Lucia Jones and George Vanhooose out of the fiduciary funds paid or transferred to the treasury of said County by the register of the Circuit Court of said County on the 9th day of October, 1930, the sum of \$1600.13 upon condition that the said Lucia Jones and George W. Vanhooose first enter into bond to secure against loss as a result of such payment any and every person who within ten years from October 9th of 1930, proves himself or herself

legally entitled to any part of said funds in the manner provided for in Section 10466 of the Code of Alabama, of 1923.

S. 41. To authorize the City of Florala, Alabama, to use certain school bond funds on deposit in the defunct First National Bank of Florala, Alabama, as or in the Nature of a Set-off or Counter-claim against an Indebtedness owed by said City to said Bank.

S. 15. For the relief of T. F. Griffin, Sheriff of Etowah County, Alabama.

T. A. Goodwin,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested:

H. 54. To authorize the Sheriff of St. Clair County Alabama to employ two chief deputy sheriffs, one to reside at Pell City, and the other to reside at Ashville; to fix the compensation of such chief deputies; to provide for the payment of same and the manner thereof; and to repeal all laws in conflict with this Act insofar as the same apply to said St. Clair County, Alabama.

J. H. Stewart.
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate signed the foregoing bill; the title of which is set out in the foregoing message from the House.

MOTION TO TAKE FROM ADVERSE CALENDAR

Pursuant to notice heretofore given, Mr. Bonner moved to take from the adverse calendar, have the same read a second time and placed upon the regular calendar for a third reading, the bill:

S. 26. To abolish the four State Normal Schools for white teachers located at Jacksonville, Livingston, Daphne, and Mound-

ville, Alabama; to repeal all appropriations heretofore made for the said four State Normal Schools; and to provide for the sale and, pending a sale, the rental of all property owned by the State of Alabama and used by or in connection with the said four State Normal Schools.

Mr. Beasley moved to table the motion of Mr. Bonner, which motion prevailed and the motion to take from the adverse calendar was laid on the table.

Yeas, 19; nays, 8.

Yeas:

Messrs.:

Beasley	Delony	Jordan	Scruggs	
Brown	Garrett	McDaniel	Walker	
Caffey	Hildreth	Millsap	Warren	
Cowart	Hooton	Mullins	Wikle	
Darden	Hubbard	Powell		—19

Nays:

Messrs.:

Bartlett	Cooper	Duncan	Kelley	
Bonner	Craft	Farmer	Lapsley	— 8

PAIR ANNOUNCED

Mr. Goodwin announced that he and Mr. Faulk were paired on this vote; that Mr. Faulk, if present, would vote nay, and he, Mr. Goodwin, would vote yea.

Mr. Bonner also moved to take from the adverse calendar, have the same read a second time and placed on the regular calendar for a third reading, pursuant to his notice heretofore given, the bill:

S. 27. To abolish all State Secondary Agricultural Schools in Alabama; to repeal all appropriations heretofore made for the said Schools; and to provide for the sale, and pending a sale, the rental of all property owned by the State of Alabama and used by or in connection with the said Schools.

Mr. Beasley moved to table the motion of Mr. Bonner, which motion prevailed and the motion to take from the adverse calendar was laid on the table.

Yeas, 20; nays, 7.

Yeas:

Messrs.:

Bartlett	Darden	McDaniel	Scruggs	
Beasley	Delony	Millsap	Shepherd	
Brown	Garrett	Mullins	Walker	
Caffey	Hooton	Powell	Warren	
Cowart	Hubbard	Riddle	Wikle	—20

Nays:

Messrs.:

Bonner	Craft	Hildreth	Lapsley	
Cooper	Duncan	Kelley		— 7

PAIR ANNOUNCED

Mr. Goodwin announced that he and Mr. Faulk were paired on this vote; that Mr. Faulk, if present, would vote nay, and he, Mr. Goodwin, would vote yea.

BILLS INDEFINITELY POSTPONED

Mr. Beasley moved that further consideration of the bills:

S. 26. To abolish the four State Normal Schools for white teachers located at Jacksonville, Livingston, Daphne, and Moundville, Alabama; to repeal all appropriations heretofore made for the said four State Normal Schools; and to provide for the sale and, pending a sale, the rental of all property owned by the State of Alabama and used by or in connection with the said four State Normal Schools.

Also:

S. 27. To abolish all State Secondary Agricultural Schools in Alabama; to repeal all appropriations heretofore made for the said Schools; and to provide for the sale, and pending a sale, the rental of all property owned by the State of Alabama and used by or in connection with the said Schools.

Be indefinitely postponed, which motion prevailed and said bills, S. 26 and S. 27 were indefinitely postponed by the Senate.

ORDER TO PRINT

On motion of Mr. Scruggs, 500 copies of the bill:

H. 56. To authorize and provide for the issuance and sale of State bonds for the purpose of paying the outstanding debts of the State of Alabama as of September 30, 1932, as authorized by the Constitutionad Amendment known as Article XXIII of the Constitution of Alabama and to authorize the Governor, in his discretion, to use the bonds as collateral security for any temporary loans that may be made to the State, the proceeds of which are to be used in paying the indebtedness due September 30, 1932, or any part of it.

Were ordered printed for use of the Senate.

BILLS ON THIRD READING

The bill:

S. 117. To amend Section 5 of an Act entitled An Act "For the purpose of finding out new scientific facts in regard to the use of fertilizer for farm and truck crops, the adaptation and improvement of varieties of crops, the establishments and improvement of pastures, the production of feed and forage crops, the economic production and management of live-stock, the production of fruits, vegetables, nuts and citrus fruit, the control of insect pests, plant and live-stock diseases, and other similar important agricultural and

economic problems having for their object the development of a more permanent, more profitable and diversified agriculture, there is hereby created and provision made for the maintenance of sub-agricultural experiment stations, one upon each of the five main large soil types of the State as represented in the Tennessee Valley, the Sand Mountain Section, the Black Belt, the Wiregrass and the Gulf Coast area; to create a commission to locate said sub-stations and to provide for its per diem and expenses; to provide for the carrying on of research work on Experimental Fields in different parts of the State; to make appropriations to the Board of Trustees of the Alabama Polytechnic Institute for carrying out the purposes of this Act; to provide for the administration and direction of this work; to authorize and empower county Board of Revenue or County Commissioners, or other bodies having similar jurisdiction in the several counties of the State, individuals, firms, organizations, corporations, companies or municipalities to make donations and appropriations for the purchase of land and equipment for said sub-stations; to authorize the Board of Trustees of the Alabama Polytechnic Institute to accept such donations, approved September 10, 1927."

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Beasley	Delony	Hooton	Mullins
Bonner	Duncan	Hubbard	Powell
Caffey	Edmundson	Jordan	Scruggs
Cowart	Garrett	Kelley	Walker
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth		

—22

MOTION TO RECONSIDER VOTE

Mr. Walker moved that the vote by which the bill:

S. 104. To provide for the revision, codification, digesting and promulgation of the public statutes of this State, both civil and criminal.

Was lost on the last legislative day, be reconsidered.

Mr. Hildreth moved to table the motion to reconsider, which motion was lost.

Yes, 13; nays, 14.

Yeas:

Messrs.:

Bartlett	Delony	Goodwin	Millsap
Caffey	Duncan	Hildreth	Powell
Cooper	Garrett	Hubbard	Wikle
Cowart			

—13

*Nays:**Messrs.:*

Beasley	Hooton	Mullins	Shepherd
Bonner	Jordan	Riddle	Teasley
Craft	Lapsley	Scruggs	Walker
Darden	McDaniel		

—14

The motion of Mr. Walker to reconsider the vote by which said bill was lost, then prevailed and said vote was reconsidered.

Yeas, 16; nays, 12.

*Yeas:**Messrs.:*

Beasley	Darden	Lapsley	Scruggs
Bonner	Hooton	McDaniel	Shepherd
Caffey	Jordan	Mullins	Teasley
Craft	Kelley	Riddle	Walker

—16

*Nays:**Messrs.:*

Bartlett	Delony	Goodwin	Powell
Cooper	Duncan	Hildreth	Warren
Cowart	Garrett	Millsap	Wikle

—12

Said bill, S. 104, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 18; nays, 11.

*Yeas:**Messrs.:*

Beasley	Darden	Lapsley	Scruggs
Bonner	Fletcher	McDaniel	Shepherd
Brown	Hooton	Mullins	Teasley
Caffey	Jordan	Riddle	Walker
Craft	Kelley		

—18

*Nays:**Messrs.:*

Bartlett	Delony	Goodwin	Powell
Cooper	Duncan	Hildreth	Wikle
Cowart	Garrett	Millsap	

—11

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 40. Relative to the adjournment of the two Houses today until Tuesday, September 13, 1932, at 11:00 o'clock A. M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 47. To amend Section 2107 of the Code of Alabama, 1923.

Also:

S. 3. To amend Section 3111 of the Code of Alabama 1923.

Also:

S. 2. To amend Section 3110 of the Code of Alabama 1923.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the eleventh Legislative Day, and finds same correct and containing all original entries and references thereto required by the Constitution.

Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read, and, on motion of Mr. Farmer, said report was concurred in, and the Journal of the Senate for the eleventh Legislative Day approved.

ADJOURNMENT

At 11:25 A. M., on motion of Mr. Beasley, the Senate adjourned until Tuesday, September 13th, 1932, at 11 A. M.

TWELFTH DAY

Tuesday, September 13th, 1932.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill, presiding.

PRAYER

By Dr. Edward G. Mackay, Pastor of Court St. Methodist Church of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Edmundson
Farmer
Faulk
Fletcher
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Jordan
Kelley
Lapsley
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—35

JOURNAL

On motion of Mr. Cooper, the reading of the Journal of yesterday was dispensed with, and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Walker:

S. 150. For the relief of A. M. McConnell, of Athens, Alabama.
Committee on Finance and Taxation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED BILL

State of Alabama, Limestone County.

Notice is hereby given that at the present term of the extra session of the legislature the undersigned A. M. McConnell, of Athens, Alabama, will ask for a bill to be passed entitled, "An Act to relieve him for money expended or paid out by him to the state treasurer and to Limestone county during his term of office as probate judge of Limestone county" which said bill shall be in substance as follows:

(Signed) A. M. McConnell.

"A bill to be entitled 'An Act for the relief of A. M. McConnell, of Athens, Alabama.'

Whereas, J. W. Wilson alias J. W. Pearson did procure from A. M. McConnell, judge of probate of Limestone county, truck tags and license numbered from H2-10491 to H2-10493 both inclusive and a sum of money, in addition to the charge for the same, on a forged cashier's check: and,

Whereas, the said A. M. McConnell has heretofore remitted to the state treasurer the amount due the state to-wit: \$52.65, and,

Whereas, the tags thus fraudulently obtained by said J. W. Wilson alias J. W. Pearson were never used by any one:

Be it Enacted by the Legislature of Alabama:

Section 1. That the said A. M. McConnell is entitled to relief and that the sum of \$52.65 paid by him to the state treasurer be refunded to him, and that state auditor draw or caused to be drawn a warrant on the state treasurer for said sum payable to the said A. M. McConnell, said sum to be paid out of any funds not otherwise appropriated.

Section 2. This act shall go into effect immediately upon its passage and approval of the governor.

This the 16th day of August, 1932.

A. M. McCONNELL.

The State of Alabama, }
Montgomery County. }

I, R. H. Walker, Editor and Publisher of The Limestone Democrat, do hereby certify that the above and foregoing notice of private bill was published in The Limestone Democrat, a weekly newspaper, published in Athens, Limestone County, Alabama, on the following dates, to-wit: August 17th and 25th, September 1st and 8th, 1932.

R. H. WALKER,
Editor and Publisher.

Sworn to and subscribed before me on this the 12 day of September, 1932.

EULA ADCOCK,
Notary Public.

By Mr. Goodwin:

S. 151. To amend Section 2227 of the Code of 1923.

Committee on Municipalities and Municipal Organizations.

By Mr. Darden:

S. 152. To amend Section 53 of an act entitled, "An act in reference to and to further provide for the General Revenue of the State of Alabama," approved July 22, 1927.

Committee on Finance and Taxation.

By Mr. Lapsley:

S. 153. To authorize and provide for the payment of the sum of \$2,000.00 for the relief of Mrs. Willie W. Edge of Blacksburg, Virginia, who sustained personal injuries while riding in an automobile on May 16th, 1931, as a result of being run into or against by a trailer attached to a truck of the State Highway Department, the property of the State of Alabama.

Committee on Finance and Taxation.

By Mr. Lapsley:

S. 154. To authorize and provide for the payment of the sum of \$1,000.00 for the relief of Harvey A. Edge, of Blacksburg, Virginia, whose automobile was damaged on May 16th, 1931, as a result of being run into or against by a trailer attached to a truck of the State Highway Department, the property of the State of Alabama; and who paid out for the treatment and care of his wife, who was injured as a result of said collision between said trailer and the car

in which he and his wife were riding, a large sum of money to doctors, hospitals, nurses, and for drugs, board and other expenses.

Committee on Finance and Taxation.

By Mr. Hooton:

S. 155. To amend an Act entitled an Act passed over the Governor's Veto on June 9th, 1931, which act created and established, "The Inferior Court of Randolph County, defined its Jurisdiction, provided for the Officers of said Court and for the manner of their selection or election, etc, and abolished the County Court of Randolph County, and the Office of County Solicitor" by providing in said Act that the Clerk of said Inferior Court shall receive in addition to the fees therein provided Ex Officio Fees in the same amount that the Clerk of the Circuit Court receives and to provide for the manner and payment thereof.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LOCAL LEGISLATION.

Notice is hereby given that application will be made to the Legislature of Alabama convened in extraordinary Session beginning August 16th, 1932 for the enactment of a law amending an Act of the Legislature of Alabama passed over the Governor's veto on June 9th, 1931 which Act created and established, "The Inferior Court of Randolph County, defined its jurisdiction, provided for the Officers of said Court and for the manner of their selection or election etc. and abolished the County Court of Randolph County, and the Office of Deputy Solicitor of Randolph County; Said act to be amended as follows:

At the end of Section Five (5) of said Bill there shall be added the following sentence, "And in addition thereto he shall receive the same Ex Officio fees as the Clerk of the Circuit Court receives as Clerk of the Circuit Court, which said Ex Officio fees shall be paid from the same funds and in the same manner as the Ex Officio fees are paid to the Circuit Clerk of said County."

AFFIDAVIT OF PUBLICATION.

State of Alabama, }
Randolph County. }

Before me, J. F. Wilson, Clerk of the Circuit Court in and for Randolph County, Alabama, personally appeared J. H. Kerr who states on oath that he is the Editor and Publisher of the Randolph Press, a newspaper published weekly at Wedowee, Alabama, in said State and County, and that the notice hereto attached was published in said newspaper for a period of four successive weeks on the following dates, to-wit: August 19, 1932; August 26, 1932; September 2, 1932; & September 9, 1932, and the State of Alabama nor Randolph County did not pay for said publication.

J. H. KERR.

Subscribed and sworn to before me, this the 10th day of September, 1932.

J. F. WILSON,
Clerk Circuit Court.

(Seal)

By Mr. Jordan:

S. 156. To authorize and empower the Courts of County Commissioners, Boards of Revenue or other like governing bodies of

the several counties of this State to contract with the Highway Commissioner, or other proper officials of the State Highway Department, or with the Director of the Board of Administration, or other proper official of the Board of Administration, to have any, or all, of the public roads and bridges within their respective counties constructed and maintained by the State Highway Department and/or to use convicts in constructing and maintaining roads, highways and bridges and to purchase and donate to the State, or to donate to the State, lands for building convict camps in the County and for the purposes herein provided to appropriate and use all of the funds derived from the gasoline tax and to appropriate and use any other road and bridge funds and to pledge said gasoline tax and other road and bridge funds to the Highway Department or Board of Administration for the purposes herein provided and to match State aid to be used in the construction and maintenance of roads, highways and bridges in the county.

Committee on Public Roads and Highways.

By Mr. Jordan:

S. 157. To amend Section 5555 of the Code of Alabama, 1923.
Committee on Fish, Game & Forestry.

By Mr. Jordan:

S. 158. To amend Section 3119, Code of Alabama, 1923.
Committee on Judiciary.

By Mr. Teasley:

S. 159. To authorize the State Auditor, with the approval of the Governor, to consolidate warrants heretofore or hereafter issued by him as provided by law and to issue in lieu thereof one warrant for the aggregate amount of warrants surrendered and cancelled as herein provided; to provide for the surrender and cancellation of said warrants; to require the auditor to keep a transfer register showing the number, amount and payee of warrants surrendered and cancelled and the number, amount and payee of warrants issued in lieu thereof; to provide that all warrants issued shall be countersigned by the Governor and attested by the Secretary of State under the seal of the State.

Committee on Finance & Taxation.

REPORT OF COMMITTEE

Mr. Darden, Chairman of the Standing Committee on Local Legislation reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Darden (with notice and proof):

S. 144. To amend Section Three (3) of an Act, Entitled An Act to provide for the election of a County Superintendent of Education of Coosa County, Alabama, to fix his term of office, to

prescribe his salary and provide for the manner of payment of the same; to define his qualifications, powers and duties and to provide that women who meet the requirements of this Act are eligible to nomination and election to the office of County Superintendent of Education, of Coosa County, Alabama; to provide for the election of his successor in office and to provide for his removal by the County Board of Education for good cause, approved August 9th, 1927, Local Acts of Alabama, page 127, 1927.

By Mr. Darden (with notice and proof):

S. 142. To abolish the County Board of Education of Coosa County, Alabama and to create and establish in lieu thereof a County School Board for Coosa County, Alabama; to define the number on said County School Board, define their qualification, terms of office, and to provide for the election of the members of the County School Board by the Senate of Alabama created under this act, and afterwards for their nomination and election as other county officers are nominated and elected, and if the Senate of Alabama is not in session when this act becomes effective said Members are to be appointed by the Governor of Alabama; to provide for filling vacancies on said County School Board of Coosa County, Alabama; to provide for the removal of Members of said County School Board; to define their duties and powers, to fix the compensation of members of said County School Board and the manner for paying the same; to provide for the organization of the County School Board of Coosa County, Alabama; to prohibit executive meetings of the County School Board of Coosa County; to make women eligible for members on said County School Board; and to provide that the County School Board of Coosa County, shall be governed by all local or general laws not in conflict with the provisions of this Act.

By Mr. Darden (with notice and proof):

S. 143. To abolish District Trustees of District Number Twenty-five, Coosa County, Alabama, or such other name the said District Trustees of said District Number Twenty-five, Coosa County, Alabama, are known and called; and to create in lieu thereof and to establish a Public School Board for District Number Twenty-five, Coosa County, Alabama to Consist of Five Members; to provide for the nomination and/or election of the Members of the said Public School Board of District Number Twenty-five; to define their qualifications and terms of office; to define their duties, powers and obligations; to provide for the organization of said Public School Board and to require said Board to keep a record of their meetings, and to provide that all meetings shall be public and to prohibit executive meetings of the said Board; and to provide that said Public School Board may establish reasonable rules and regulation for their guidance in their work as such Board, and to provide said Board may create, establish and enforce any reason-

able qualifications for teachers in their district, not in conflict with the general laws of this state or that of the State Department of Education.

RESOLUTIONS

Mr. Hooton offered the following Senate Resolution:

S. R. 42. Whereas, the Senate of the State of Alabama is now in extraordinary session:

Whereas, the Senate of Alabama is now confronted with the most grave problems since the days of Secession and Reconstruction;

Whereas, the State of Alabama today has a deficit in excess of Twenty Millions of Dollars, besides its bonded indebtedness;

Whereas, the State expenditures is in excess of the State income;

Whereas, the necessity demands that the costs of the State operations must be curtailed;

Whereas, the Senate of Alabama has tried and failed to equitably fairly and impartially curtail the State operations by a Sliding Scale Salary Cut, and by attempting to saw-off from certain departments, and by completely abolishing other departments;

Whereas, the means heretofore attempted by the Senate to effect the purposes of the extraordinary session have been either too harsh, or too lax, or non-effective;

Whereas, the efforts to cut the judicial salaries has been overturned by the Birmingham Bar Association, etc.;

Whereas, the efforts to help the educational situation by abolishment of the Agricultural Schools and the partial abolition of the State Normal Schools has been overcome by the lobbyists in the behalf of the same;

Whereas, the efforts to abolish the Court of Appeals should be, and will be blocked by the lobbyists in its behalf;

Whereas, the Sparks amendment being only for two years, instead of being permanent was and should have been killed;

Whereas, every department that is approached for the purpose of making retrenchments, speedily calls in its friends and lobbyists, and cries to High Heaven that it is being treated unfair and that it cannot exist, and that its operation is necessary for the safety of the State;

Whereas, the Senate has reached that point where it knows not where to turn, or to rest its weary head, but is willing to do, yet knows not what to do;

Whereas, the Senate in its efforts for retrenchment has been roughly and rudely assailed, smirched and be-smirched, discussed and cussed in each of said retrenchment efforts; and when the Senate has been thoroughly informed and made to know that said efforts were wrong, unfair and unjust, and said efforts were desisted

in, or killed on the Floor, the Press and People then declare that we are merely being Members of the State Senate that we might have beautiful Clerks, or place our entire Families on the Pay Roll; that we want to gut the people and the State of Alabama; that we don't know what the word Economy means, much less how to spell it; that we must protect our political allies and associations by letting the rest of the State go to Perdition;

Whereas, from the above and foregoing it seems that we have no plans, no policies and no Rule by which to guide our efforts for the Success of the State, for the Will and Wish of the People, in the remaining days of the Extraordinary Session now convened;

THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA:

That a COMMITTEE of three members be appointed from the Senate body by the President of the Senate to ascertain from the proper authorities and sources the following data:

1st. What the approximate sum total of revenue for the State of Alabama will be for the coming fiscal year;

2nd. What the approximate sum total of the expenditures of the State of Alabama will be for the coming fiscal year;

3rd. By comparing the just preceding two items to ascertain what difference the expenditures will exceed the Income;

4th. By their Report show how much the Expenditures must be cut approximately for the Deficit to be paid in the next ensuing ten years, 1st allowing for the sum total of the excess of Expenditures over the present Income;

BE IT THEN FURTHER RESOLVED:

A. The total Expenditures having previously been ascertained, said Committee shall ascertain what amount or amounts that each of the Departments of the State have appropriated or are allowed for the use of each of said Departments, with the sources thereof;

B. After such amount for each Department has been ascertained, calculate what percentage the same is of the total Expenditures, as towit; for illustration, if the total Expenditures is \$50,000,000.00 and the costs of the Judiciary of the State is \$1,000,000.00, then it is readily seen that the Judiciary is one-fiftieth of the Expenditure or costs of the operation of the State;

C. Thus having ascertained what each Department is on a percentage of the whole cost of State operation; and having prior by this Resolution having ascertained by what amount the expenditures exceed the Revenue or Income plus the amount of curtailment that the State must stay within to wipe out the present deficit in the next ensuing ten years, said Committee shall report back to this Senate what amount or amounts that each of said State Departments should operate upon to obtain that end in the ensuing fiscal years; for illustration, using the illustration heretofore used, it is seen that the Judiciary is one-fiftieth of the Fifty Million or

total State Expenditure; then for further illustration if the Committee should ascertain that the Expenditures exceed the Income by two and one-half Million Dollars per annum, and that they should further find that they desire to recommend back to the Senate of Alabama that we, including the deficit of expenditures over income, should save on the present income the further sum of two and one-half million dollars; then those two items added together would be an amount of Five Million Dollars, or a Recommendation that the State save Five Million Dollars per year in Expenditures as compared with the present expenditures; thus the Judiciary then would as its part have to curtail its expenditures or operating expenses one fiftieth of the said five million dollars, or One Hundred Thousand Dollars;

D. After having recommended what amount each Department of the State should curtail, offer to the Senate suggestions how the said Report of said Committee can most speedily and quickly be enacted into legislation, by such legislation seeing that each Department's appropriations or expenses is reduced in the sum of the quotient after dividing the percentage of the whole in the amount recommended as the entire State Expenditure curtailment; however allowing the Departmental heads of each Department to work out how, and in what manner such curtailment shall be absorbed in their respective departments.

WHEREFORE, from the above substantial Savings will be effected for our long-suffering and tax burdened constituency, because no Department will be abolished; no department will suffer heavier than any other department proportionately; and no department will be unnecessarily crippled, and leaving the Departments knowing what they must operate on, and to work out among its own personnell its proportionate curtailment of funds.

Be it further resolved that said Committee through its Chairman shall have the right to call before it witnesses, and to call upon the various State Agencies for data and information, and to do and perform all other matters necessary to carry out the purposes and intents of this Resolution.

Which was read and referred to the Standing Committee on Rules.

Mr. Beasley offered the following Joint Resolution:

S. J. R. 43. Be it resolved by the Senate and House of Representatives concurring that:

WHEREAS: The State of Alabama is an agricultural State, growing heavily to cotton production and

WHEREAS: The obtaining of the Cotton Market, just as often as is possible, is very essential and beneficial to the Cotton Growers of this State, and

WHEREAS: We have located in the State of Alabama, Broadcasting Stations WAPI and WBRC of Birmingham, WSFA of Montgomery and WDOX of Mobile, Now, THEREFORE

BE IT RESOLVED: That we earnestly urge and request the above mentioned Broadcasting Stations to devote enough time, which we feel will be less than one minute, in giving the New York Cotton Market, at intervals of thirty minutes, every day from the time it opens until it closes, beginning as quickly as convenient and continuing until January 1, 1933, and

BE IT FURTHER RESOLVED: That the Secretary of the Senate forward a copy of this resolution to the Directors of each of the above mentioned Broadcasting Stations immediately.

And on motion of Mr. Beasley the rules were suspended and the Resolution adopted.

Mr. Darden offered the following Senate Resolution:

S. R. 44. WHEREAS, one of the most beloved and useful Senators of this body, Hon. T. S. Faulk, has been indicted in the Federal Courts of this State, for probably obvious reasons against our fellow Senator, the Honorable T. S. Faulk, of Geneva; and,

WHEREAS, the Honorable T. S. Faulk is held in the highest esteem by his colleagues, he being a fearless, conscientious and courageous Senator:

Therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA:

1. That we re-affirm our faith and confidence in the personal, official and political life, character and integrity of Senator T. S. Faulk, of Geneva.

And on motion of Mr. Darden, the rules were suspended, the resolution put upon its immediate passage, and adopted unanimously.

Mr. Teasley offered the following Senate Resolution:

S. R. 45. Whereas, there is now pending in the Senate S. 159 which is of great importance to the Public School System of Alabama, and the constitutionality of the bill should be beyond question.

Therefore, be it resolved by the Senate, that the Justices of the Supreme Court of Alabama or a majority thereof are here by requested to render to this body their written opinion, as provided under Section 10290 of the Code of Alabama, as to whether said Act violates the following Sections of the Constitution of Alabama, viz:

Section 72, relating to money to be paid out of the Treasury.

Section 213, prohibiting the creation of new debts.

And on motion of Mr. Teasley, the rules were suspended, the Resolution put upon its immediate passage and adopted.

Mr. Jordan offered the following Joint Resolution:

S. J. R. 46. Resolved by the Senate, the House concurring, that when the two Houses adjourn today, they adjourn to meet again Friday, September 16th, at 10 A. M.

And on motion of Mr. Jordan, the rules were suspended and the Resolution adopted.

Mr. Faulk offered the following Senate Resolution:

S. R. 47. Be it Resolved by the Senate that the Committee of the Senate on Education is hereby directed to report S. 60 immediately.

Which was read and referred to the Standing Committee on Rules.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 3. To amend Section 3111 of the Code of Alabama, 1923.

S. 47. To amend Section 2107 of the Code of Alabama, 1923.

S. 2. To amend Section 3110 of the Code of Alabama 1923.

T. A. Goodwin,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, with his objections and proposed amendment to the Resolution:

H. J. R. 13. To amend the Constitution of the United States regarding the date on which the future Presidents, Vice-Presidents and members of Congress shall assume office and to define the duties of either House in case of death or disqualification of President elect or Vice-President elect.

Said Governor's Message being in words and figures as follows, to-wit:

To the Legislature of Alabama,
Montgomery, Alabama.
Gentlemen:

I herewith return to the House of Representatives, the body in which it originated, H. J. R. 13.

I suggest the following amendments, which, if made, will cause the Joint Resolution to meet my approval:

1. Amend the preamble by substituting the words "the United States" for the word "America" where the same appears in Line 4.

2. Amend the preamble by adding after the words "Joint Resolution proposing an amendment to the", where the same appear in line 8, and before the words "United States", the words "Constitution of the".

3. Amend the preamble by striking out the word "the" as the same appears in Line 12 following the word "and" and before the word "House".

4. Amend the preamble by adding the word "the" after the words "The terms of" and before the word "President" as the same appear in line 18.

5. Amend the preamble by substituting the word "meeting" for the word "meetings" in Line 24.

6. Amend the preamble by striking out the comma (,) following the words "President elect" in Line 28.

7. Amend the preamble by substituting the word "a" for the word "the" following the word "until" in Line 32.

8. Amend the preamble in Line 34 by substituting the word "a" for the word "the" preceding the words "President elect" and by adding the word "elect" after the words "Vice President".

9. Amend the preamble by striking from Line 35 the word "been" before the word "qualified".

10. Amend the preamble in Line 37 by substituting the word "a" for the word "the" following the word "until".

11. Amend the preamble in Line 40 by substituting the word "a" for the word "the" following the word "choose".

12. Amend the preamble by striking out the quotation mark (") preceding the word "from" in Line 42.

13. Amend the preamble by substituting the word "from" for the word "for" following the words "seven years" in the 1st line on Page 2.

14. Amend the Resolution by substituting the words "Legislature of Alabama" for the words "General Assembly of Alabama" where the same appear in Line 2 and 3 of Page 2.

15. Amend the Resolution by substituting the words "Legislature of the State of Alabama" for the words "General Assembly of the State of Alabama" as they appear in Lines 5 and 6 of Page 2.

Respectfully,
B. M. MILLER,
Governor.

Sept. 9, 1932.

And the House has concurred in and adopted the amendments proposed by His Excellency, the Governor, to the Resolution H. J. R. 13, by a vote of a majority of the whole number elected to the House, said vote being Yeas, 61; nays, 0.

And said resolution, H. J. R. 13, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 61; nays, 0.

And said resolution together with the Governor's Message containing the proposed amendments are sent herewith to the Senate for its consideration.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Powell, the Senate concurred in and adopted the amendment proposed by his Excellency, the Governor, to H. J.

R. 13, the title of which and said Governor's amendment, is set out in the foregoing message from the House.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Millsap
Beasley	Delony	Hooton	Mullins
Bonner	Duncan	Hubbard	Powell
Brown	Farmer	Jordan	Riddle
Caffey	Faulk	Kelley	Scruggs
Cooper	Fletcher	Lapsley	Walker
Cowart	Garrett	McDaniel	Warren
Craft	Goodwin	McDowell	Wikle

—32

Said vote being a majority of the whole number elected to the Senate.

And said resolution, H. J. R. 13, as thus amended, by the amendment of his Excellency, the Governor, was again read a third time at length and adopted.

Yeas, 29; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Jordan	Powell
Beasley	Duncan	Kelley	Riddle
Bonner	Farmer	Lapsley	Scruggs
Caffey	Garrett	McDaniel	Shepherd
Cooper	Goodwin	McDowell	Walker
Cowart	Hildreth	Millsap	Warren
Craft	Hooton	Mullins	Wikle
Darden			

—29

Said vote being a majority of the whole number elected to the Senate.

NOTICE

Mr. Darden gave to the Senate the following notice in writing:
"To All Whom It May Concern:

Notice is hereby given that on the next Legislative Day, after roll call of Districts, I will make a motion to take from the Adverse Calendar of the Senate, S. 94,—said bill being to repeal Sections 44 to 52, both inclusive of the General Revenue Bill, 1927, said Sections granting Exemptions from Taxation of Foreign Securities—to give said bill a second reading in the Senate and place the same on favorable calendar of the Senate.

John A. Darden,
Senator 34th District."

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and sends same herewith to the Senate.

By Mr. Miller:

H. 127. To Amend Section 7019 of the 1923 Code of Alabama.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee as follows:

H. 127, to the Committee on Revision of Laws.

BILLS ON THIRD READING

The bill:

S. 89. To amend a local Act of the Legislature of Alabama for Winston County approved Feb. 11, 1927, and found on page 23 of Local Acts 1927, by amending Section 4, thereof, as to regulate or fix the salary of the County Superintendent of Education not to exceed \$2000.00 per annum; also provide for office help, if any, not to exceed one employee and salary therefor.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Farmer	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—34

The bill:

S. 71. To amend Section 8563 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 10.

Yeas:

Messrs.:

Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	McDaniel	Shepherd
Cooper	Faulk	McDowell	Teasley
Craft	Garrett	Millsap	Walker
Darden	Goodwin	Mullins	Warren
Delony	Jordan	Riddle	

—23

Nays:

Messrs.:

Bartlett	Cowart	Hooton	Powell
Beasley	Duncan	Hubbard	Wikle
Caffey	Hildreth		

-- 10

The bill:

S. 77. To provide for the Purchase and Distribution of Anti-Hog Cholera Serum and Hog Cholera Virus by the State Live Stock Sanitary Board, for the Suppression of Hog Cholera in the State of Alabama; and to make appropriation therefor out of any monies to the credit of the Agricultural Fund; and to fix penalties for the violation of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; nays, 1.

Yeas:

Messrs.:

Bartlett	Craft	Faulk	Millsap
Beasley	Darden	Garrett	Riddle
Bonner	Delony	Goodwin	Scruggs
Brown	Duncan	Kelley	Walker
Caffey	Farmer	Lapsley	Warren
Cooper			

--21

Nay: Mr. Hooton.

--1

The bill:

S. 73. For the relief of tax payers permitting and authorizing the transfer of any tax claim held by the State of Alabama, any county, municipality or taxing district thereof and authorizing and directing the issue of certificates evidencing such transfers and securing to the owner or holder of such certificates the same liens and the same remedies for enforcing said tax claims as the State of Alabama or the county or municipality or taxing district had prior to said transfer by it and providing for the enforcement and release thereof by such owner or holder.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 5.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Scruggs
Beasley	Delony	Jordan	Shepherd
Bonner	Farmer	McDaniel	Teasley
Caffey	Fletcher	McDowell	Walker
Cooper	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle

--24

Nays:
Messrs.:
Duncan
Hooton

Hubbard

Kelley

Lapsley

—5

RECESS

At 12:30 P. M., on motion of Mr. McDowell, Senate took a recess until three o'clock this afternoon.

AFTERNOON SESSION—TWELFTH DAY

Tuesday, September 13th, 1932.

The Senate re-assembled at 3 P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Upon a call of the roll, the following members answered to their names, a quorum of the Senate:

Messrs.:
Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Cowart
Craft
Darden

Delony
Duncan
Edmundson
Farmer
Faulk
Fletcher
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Jordan
Kelley
Lapsley
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—35

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Teasley:

S. 160. To amend Section 8418 of the Code of Alabama of 1923.
Committee on Banking & Insurance.

REPORTS OF COMMITTEES

Mr. Edmundson, Chairman of the Standing Committee on Banking and Insurance reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:
By Mr. Swift:

H. 147. To authorize the Superintendent of Banks to borrow money on behalf of a closed bank or trust company and to secure the same by a pledge of the assets of such bank or trust company

for the purpose of protecting and preserving the assets of the bank, of paying secured claims, of aiding in the reorganization or reopening of the closed bank, and/or of making distribution to depositors and creditors.

Mr. Darden, Chairman of the Standing Committee on Local Legislation reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Ogden (with notice and proof):

H. 266. To authorize the Court of County Commissioners of Lamar County, Alabama, to support the paupers in the County without sending all of them to the Poor House.

By Mr. Ogden (with notice and proof):

H. 267. To fix the pay of grand jurors and petit jurors serving in the circuit court of Lamar County. To prescribe the manner of payment and to prescribe the duties of the circuit clerk and county treasurer of Lamar County under this Act.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 46. Relative to the adjournment of the two Houses until Friday, September 16, 1932, at 10:00 A. M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

BILL RECALLED AND RE-REFERRED

Mr. Scruggs moved that the bill:

S. 149. To repeal the Act approved July 10th, 1931, and entitled "An Act to protect the public health and welfare, to provide for the construction, maintenance and operation of hospitals and sanatoria for the treatment of tuberculosis, and to make appropriations for the building and maintenance of same."

Be recalled from the Standing Committee on Finance and Taxation and re-referred to the Committee on Public Health.

Mr. Bonner moved to table the motion of Mr. Scruggs, which motion was lost.

Yeas, 14; nays, 14.

Yeas:

Messrs.:

Bonner
Cooper
Craft
Darden

Duncan
Faulk
Hildreth
Hooton

Lapsley
McDowell
Millsap

Shepherd
Teasley
Warren

Nays:

Messrs.:

Bartlett	Garrett	Kelley	Scruggs
Beasley	Goodwin	Mullins	Walker
Cowart	Hubbard	Powell	Wikle
Delony	Jordan		

—14

Said vote being a tie, the President and Presiding Officer of the Senate voted No.

The question then recurred on the motion of Mr. Scruggs to recall said bill from the Committee on Finance and Taxation and refer it to the Committee on Public Health, which motion prevailed and said bill was recalled and re-referred by the President of the Senate to the Standing Committee on Health.

BILLS ON THIRD READING

The bill:

S. 90. To amend Schedule 52 of an act to provide for the general revenues of the State of Alabama approved September 15, 1919.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Powell
Beasley	Duncan	Hooton	Scruggs
Bonner	Farmer	Jordan	Shepherd
Cooper	Faulk	Kelley	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Mullins	Wikle

—24

The bill:

S. 111. That all shipments of gasoline and lubricating oils or substitutes therefor received at any station on railroads, transported into the State of Alabama by ships, barges, and trucks, railroad companies, including both inter-state and intrastate shipments and by whatsoever means such gasoline and lubricating oils or substitutes therefor may be transported, accurate reports thereof may be made to the State Tax Commission not later than the 20th day of each and every calendar month for the preceding month, giving the name and address of the consignor and consignee, shipping and receiving said gasoline, or lubricating oils, and substitutes therefor and number of gallons or pounds of each and every shipment; and fixing a penalty of not less than Five Hundred Dollars for each and every violation of the provisions of this Act.

Was taken up.

Committee on Finance and Taxation reported the following amendment to said bill to-wit:

Amend Sec. 1 of S. 111 by striking out the words "transportation companies" where the same occurs in line one of said Section 1, and substitute in lieu thereof, the following: "companies or persons"

Which was adopted.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Shepherd
Beasley	Duncan	Hooton	Teasley
Bonner	Farmer	Jordan	Walker
Cooper	Faulk	Mullins	Warren
Cowart	Garrett	Powell	Wikle
Craft	Goodwin		

—22

And said bill, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Garrett	Kelley
Beasley	Delony	Goodwin	Mullins
Bonner	Duncan	Hildreth	Scruggs
Cooper	Edmundson	Hooton	Walker
Cowart	Farmer	Jordan	Wikle
Craft	Faulk		

—22

The bill:

S. 128. To authorize Boards of Revenue, or other like governing body, in all counties which now have a population of not less than Seventy-five Thousand, nor more than One Hundred and Ten Thousand persons, according to the last Federal Census, or according to any such census hereafter taken, to expend not exceeding Twenty-five Hundred Dollars in advance payment for hospital accommodation and services for the poor of such county.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Farmer	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—34

The bill:

S. 136. To relieve Tax Assessors in all counties in Alabama which now have, or which may hereafter have a population of not less than Fifty Five Thousand and not more than Sixty Four Thousand Two Hundred according to the last Federal Census, or any such census which may be taken hereafter, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order the original lists and have same permanently bound and kept as a permanent record and prepare tax collectors abstracts from said assessment lists.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Beasley	Delony	Hooton	Mullins
Bonner	Duncan	Kelley	Powell
Cooper	Farmer	Lapsley	Walker
Cowart	Faulk	McDowell	Warren
Craft	Garrett	Millsap	Wikle
Darden	Hildreth		

—22

The bill:

H. 179. To permit purchasers, mortgagees or lien holders to pay a proportionate or ratable amount of taxes on personal property sold to such purchaser or subject to such mortgage or lien without paying the entire taxes which are a lien upon said property, and upon such payment to relieve such property from any further lien.

Was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hooton	Powell
Beasley	Farmer	Kelley	Scruggs
Cooper	Faulk	Lapsley	Teasley
Cowart	Garrett	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle
Delony			

—25

The bill:

S. 130. To relieve all persons of any legal obligation to work on the public streets in the City of Athens, Limestone County, State of Alabama, or to pay any money in lieu of such legal obligation to work on the public streets in Athens, Limestone County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 34; nays, 0.

Yeas:**Messrs.:**

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden	Hildreth		

—34

The bill:

S. 131. To amend Section One of an Act approved July 17, 1931, entitled "An Act to provide for the quarterly publication by the city clerk of Athens, Alabama, of an itemized report of the receipts and expenditures of said city of Athens, Alabama, for each preceding three months, and to provide penalty for failure to observe said law."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 34; nays, 0.

Yeas:**Messrs.:**

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Farmer	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—34

The bill:

S. 5. To amend Section 58 of the Code of laws relating to education, adopted by an Act of the Legislature entitled "An Act to adopt the Code of laws relating to education, proposed in accordance with the provisions of the Act approved August 11, 1927, entitled 'An Act to provide for the revision, codification, digesting and promulgation of the public statutes of Alabama relating to education,' " approved August 27, 1927.

Was taken up.

The Committee on Education reported the following amendment to said bill, to-wit:

Amend S. 5 as follows:

Amend Section 1 of said bill by adding thereto the following:

"And may borrow money for the use and benefit of any institution under its control and hypothecate as security therefore the appropriation for such institution; Provided, however, that any such loan shall not exceed one year's appropriation for the institution

for which made, and the proceeds derived from such loan shall be used only for operating expenses or repairs of such institution."

Provided further, however, that the provisions of this section, as hereby amended, shall not affect any existing loan or any renewal or extension thereof.

Which was adopted.

Yeas, 27; nays, 0.

Yeas:

Messrs.:

Beasley	Duncan	Hooton	Powell
Bonner	Farmer	Hubbard	Scruggs
Cooper	Faulk	Kelley	Shepherd
Cowart	Fletcher	Lapsley	Walker
Craft	Garrett	McDowell	Warren
Darden	Goodwin	Millsap	Wikle
Delony	Hildreth	Mullins	

—27

Said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 27; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Powell
Beasley	Duncan	Hubbard	Scruggs
Bonner	Farmer	Kelley	Shepherd
Cooper	Faulk	Lapsley	Walker
Cowart	Fletcher	McDowell	Warren
Craft	Garrett	Millsap	Wikle
Darden	Goodwin	Mullins	

—27

The bill:

S. 40. To amend Section 217 of the Alabama School Code of 1927.

Was taken up.

The Standing Committee on Education reported the following substitute for said bill to-wit:

Committee Substitute for Senate Bill 40:

A BILL

To be entitled an Act to amend Section 217 of the Alabama School Code of 1927.

Be it enacted by the Legislature of Alabama:

That Section 217 of Article 9 of the Alabama School Code of 1927, be and the same is hereby amended so as to read as follows:

217—The provisions of this Code shall not apply to the method of electing the trustees or members of the Board of Education, or board or body exercising the power or functions of a City Board of Education in any City where the trustees or members of such board or body hold office for life. Where by any provisions of law, any certain or definite percentage of the revenue of any City

or Town from licenses or taxes, either or both is required to be used for the maintenance of its public schools, then such provisions shall be unaffected by this Code, and shall be and remain in full force and effect. Provided, however, that all powers, duties and provisions of this Code shall be applicable to and are hereby conferred upon the trustees or members of any Board of Education or board or body exercising the power or function of a City Board of Education in any City where the trustees or members of such board or body hold office for life, except that the same shall not apply to the method of electing such trustees or members who hold office for life.

Which was adopted.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Goodwin	Millsap
Beasley	Delony	Hooton	Mullins
Bonner	Duncan	Hubbard	Scruggs
Cooper	Farmer	Jordan	Walker
Cowart	Faulk	Lapsley	Warren
Craft	Garrett	McDaniel	Wikle

—24

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Jordan	Powell
Bonner	Garrett	Kelley	Scruggs
Cowart	Goodwin	Lapsley	Walker
Craft	Hildreth	McDaniel	Warren
Darden	Hooton	Millsap	Wikle
Delony	Hubbard	Mullins	

—23

The bill:

S. 103. To amend Section 56, of an Act entitled An Act, to provide for and regulate and control Primary Elections for the nomination by Political Parties, of Candidates for Public Office within the State of Alabama, No. 56, and approved February 25, 1931.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20; nays, 1.

Yeas:

Messrs.:

Bartlett	Craft	Goodwin	Millsap
Beasley	Darden	Hildreth	Scruggs
Bonner	Duncan	Hooton	Walker
Cooper	Farmer	Hubbard	Warren
Cowart	Garrett	McDaniel	Wikle

—20

Nays: Mr. Kelley.

—1

The bill:

S. 119. To prohibit the use by State officers and employees, of any money or property of the State of Alabama, in election campaigns or in securing the passage or defeat of proposed legislation (except in discharge of duties imposed by law on State officers or employees) and to provide a penalty for the violation of this Act.

Was taken up.

Mr. Farmer offered the following amendment to said bill, to-wit:

Amend Senate Bill 119 by striking the words "and service" where they appear together in Section 1 of said bill; and further, by striking the words "or to aid in the passage or defeat of any proposed legislation" where they appear in Section 1 of said bill.

Mr. McDaniel moved that said bill and the pending amendment be re-referred to the Standing Committee on Privileges and Elections.

Mr. Bonner moved to table the motion to recommit, which motion was lost.

Yeas, 14; nays, 17.

Yeas:

Messrs.:

Bonner
Cooper
Darden
Duncan

Edmundson
Farmer
Faulk
Fletcher

Goodwin
Hildreth
Jordan

McDowell
Shepherd
Warren

—14

Nays:

Messrs.:

Bartlett
Beasley
Coward
Craft
Delony

Garrett
Hooton
Hubbard
Lapsley

McDaniel
Millsap
Mullins
Powell

Riddle
Scruggs
Walker
Wikle

—17

And the motion of Mr. McDaniel to recommit said bill to the Committee on Privileges and Elections then prevailed, and the President of the Senate re-referred said bill, S. 119, and the pending amendment, to Standing Committee on Privileges and Elections.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and sends same herewith to the Senate.

By Mr. Tunstall:

H. 305. To provide for the emergency relief of teachers of State, County and Municipal schools, colleges and educational institutions maintained in whole or in part by State appropriations, whose salaries or any portion thereof for services rendered prior to September 1, 1932, are due and unpaid and for the relief of govern-

ing boards of State, County and municipal schools, colleges and educational institutions, which may have borrowed money from any source to pay teachers' salaries due and unpaid prior to that date; and, to that end, to provide for and create Teachers' Emergency Relief Corporation, define its corporate powers and functions and provide for the payment of its expenses; also to provide for the issue of special revenue certificates in whole or in part in lieu of unpaid warrants issued by the State Auditor for educational purposes, as provided in the Act; also to define the characteristics of such special revenue certificates and the rights of the holders; and also to make provision for the payment of such certificates, with interest, out of the general fund; also to make the obligations of the Corporation and said Special Revenue Certificates eligible for use in lieu of other security as provided in the Act, and to exempt said certificates and obligations from all taxes.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message, was read once and referred to appropriate Standing Committee as follows:

H. 305, to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 39. To establish an inferior court in precinct 36 in Dallas County, Alabama, in lieu of all justices of the Peace, and notaries public with powers of justices of the peace, in said precinct, to be known as "The Court of Common Pleas of Selma,"; and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of the judge thereof; to provide for the execution of the process of said court, the issuance of certificates of judgment and the operation thereof; to regulate the procedure in said court, and the appeals therefrom; to provide for the appointment or election of the judge of said court; to fix the qualifications and compensation of said judge and the mode of his election, and term of office; to provide for the payment of the salary of the Judge and the expenses of said court; to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct; to provide for the transfer to said court of all causes pending in the justice of the peace courts in said precinct; to provide that the judge of said court may practice law; to provide for the payment of salaries of the Sheriff and Deputy Solicitor of said county for services rendered said court; and to fix the costs and

fees, and provide for the disposition of costs, fees, fines and forfeitures in said court.

Also:

S. 74. To abolish "The Dallas County Court" and to provide for the transfer and disposition of the cases and records of said court, and of the balance of any money arising therefrom, after the payment of all just claims against said county court fund.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the twelfth Legislative Day, and finds same correct and containing all original entries and references thereto required by the Constitution.

Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read, and, on motion of Mr. Farmer, said report was concurred in, and the Journal of the Senate for the twelfth Legislative Day approved.

ADJOURNMENT

At 5:10 P. M., on motion of Mr. Hooton, and in accordance with joint resolution heretofore adopted, the Senate adjourned until Friday, September 16th, 1932, at 10 A. M.

THIRTEENTH DAY

Friday, September 16th, 1932

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

By Dr. Thompson of Catoma St. Church of Christ of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Jordan	Riddle
Bonner	Farmer	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle
Delony	Hooton		

—34

JOURNAL

On motion of Mr. Beasley, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Mullins:

S. 161. To release owners of motor vehicles from responsibility for injuries to passengers therein where such passengers are transported without charge, and to provide that the defense of contributory negligence shall not in any case be abrogated.

Committee on Judiciary.

By Mr. Edmundson:

S. 162. To amend Section 15 of an act approved July 16, 1931, and entitled "An act to create the office of Commissioner of License in all Counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census, to prescribe the duties thereof, define the powers, fix the term of office, the method of election of such commission and to provide for the compensation of said officer; to provide for the necessary clerical assistants in said office and to further provide that each commissioner of licenses shall assess for taxation and collect the ad valorem taxes and issue the licenses and distribute the tags on all motor vehicles in such counties and to transfer the duties from the Tax Assessor, Tax Collector and Probate Judge in such coun-

ties to the Commissioner of Licenses of all matters relative to the Registration, assessment for taxes, collection of ad valorem taxes and issuance of licenses, and distribution of tags for motor vehicles.

Committee on Banking and Insurance.

By Mr. McDowell:

S. 163. To regulate and limit the use of the public highways in the State by motor trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, courts of county commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this act, and to prescribe penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an act entitled "An Act to prescribe the maximum size, width, length and weight, including load, limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State, and to prescribe penalties for violations of this Act", and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency.

Committee on Judiciary.

By Mr. McDowell:

S. 164. Authorizing, regulating and governing the transportation for hire of persons and property by motor vehicles on public highways; and providing for the obtaining of certificates, permits and statements by those engaged in such transportation and for the payment of fees for obtaining such certificates, permits and statements; and providing for the payment of excise taxes by the operators of motor vehicles for hire for the privilege of using the highways in this State; and enlarging the powers and duties of the Alabama Public Service Commission and the Attorney General of Alabama, and providing for and regulating appeals from orders of the Alabama Public Service Commission; and providing for the enforcement of this Act and prescribing penalties for violations thereof; and making certain exemptions from the provisions thereof; and providing for the payment of expenses of administration and enforcement of this Act; and providing for the use of the moneys collected under the provisions thereof; and defining the powers of municipalities to levy and collect privilege license taxes from operators of motor vehicles for hire; and repealing "The Alabama Motor Carrier Act of 1931", and sub-section (b) of Section 3 of an Act entitled "An Act relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles and trailers used on the public highways of Alabama, and for the registration and license fee

therefor, and to further provide for the revenue of the State of Alabama," approved August 25, 1927, and all laws and parts of laws in conflict with the provisions of this Act.

Committee on Judiciary.

By Mr. Craft:

S. 165. To provide for the protection and conservation of bass (green trout) and other fresh water game food fishes in the waters of all counties in Alabama having a population of not over four hundred thousand and not less than one hundred and fifteen thousand according to the last preceding United States census or any succeeding United States census.

Committee on Fish, Game and Forestry.

By Mr. Craft:

S. 166. To provide for the protection and conservation of certain marine fishes in any of the salt waters within any county in Alabama having a population of not over four hundred thousand and not less than one hundred and fifteen thousand according to the last preceding United States census or any succeeding United States census to provide for penalties for violations of this Act.

Committee on Fish, Game and Forestry.

By Mr. Hildreth:

S. 167. To provide that the State Comptroller, the State Tax Commissioner, the State Highway Commissioner, the Director of the State Board of Administration, the Superintendent of Insurance and the Chief Examiner of Accounts shall be appointed by the Governor; to provide that the Governor shall report such appointments to the Senate, to provide that before any such officer shall be authorized to perform the duties of the office to which he shall have been appointed, his appointment must be confirmed by the Senate; to provide that this Act shall not apply to appointments heretofore made, and to provide that the Governor may make appointments to such offices when the Senate is not in session, which appointees shall hold such offices and be authorized to perform the duties thereof until the next regular or special session of the Legislature when the Governor shall report such appointments to the Senate for confirmation as hereinbefore required.

Committee on Finance and Taxation.

By Mr. Walker:

S. 168. To impose all the duties of the State Securities Commission and the duties of the President and Associate Members of said Commission under existing law upon the Superintendent of Banks of this State; and to invest in the Superintendent of Banks all the authority, rights, privileges and immunities of the State Securities Commission and of the President and Associate Members of said Commission; and to provide that on and after the effective date of this Act the State Securities Commission shall be composed of the Superintendent of Banks of this State; and to

provide that the State Securities Commission shall have its office in the office of the Superintendent of Banks of this State.

Committee on Banking and Insurance.

By Mr. Riddle:

S. 169. To fix the compensation of the Judges of Probate of the several counties of the State and to provide for the payment into the county treasury, in certain instances, of a percentage of the gross income derived from fees, allowances and commissions by said Judges of Probate, and to prescribe the method of computing such gross income.

Committee on Revision of Laws.

By Mr. Hooton:

S. 170. To provide and require that the Court of Appeals must hereafter in all cases decided by it, either state in the body of its opinion or in a separate paper, state or set out the facts involved in the case before that court in which the opinion is rendered; to provide that said finding of facts by the Court of Appeals shall in any case when a writ of certiorari to the Supreme Court is applied for by any party to said cause, together with a copy of the opinion of the Court of Appeals, be certified by the Clerk of the Court of Appeals with the record in the case to the Supreme Court, and that upon the hearing of the application for the writ of certiorari before the Supreme Court it shall be the duty of the Supreme Court to look into and examine the record and ascertain and report in its opinion a true statement of facts in the case; to provide that the finding of the facts or any fact set out or so ascertained and found by the Court of Appeals in its finding of facts in such case shall not carry with it any presumption of the correctness of the statement of facts or any part thereof as ascertained by the Court of Appeals; and to further provide that the Supreme Court on such hearing on application for such writ shall not be bound or held to a consideration of the facts as ascertained by the Court of Appeals, and to provide that this Act shall take effect immediately upon its passage and approval by the Governor.

Committee on Revision of Laws.

REPORTS OF COMMITTEES

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bonner (with substitute):

S. 66. To reduce the appropriations to each and every department or branch of the Alabama State Government; also to each and every college in Alabama, including the Alabama School of Trades and Industries.

By Mr. Fletcher (with substitute):

S. 87. To provide for a State budget system and the transmission of a budget to the Legislature; to establish financial control over all state financial operations; to centralize disbursements of all state funds; to vest in the Governor a direct and effective supervision of all departments and establishments and every state agency by whatever name now or hereafter called; to require the Governor to initiate, prepare and maintain a balanced budget; to establish a uniform fiscal year for all state departments and establishments; to establish regulations with reference to appropriations; to prohibit the submission of estimates by departments direct to the Legislature; to provide that appropriations shall not be made available for expenditure until allotted by the Governor; to declare that appropriations now or hereafter made are to be maximum, conditional and proportionate appropriations; to direct and require that the Governor so administer this Act as to prevent any overdrafts or deficits in any fiscal year; to direct that all departmental receipts other than private trust funds shall be deposited in the State Treasury and be not available for expenditure until allotted by the Governor; to direct that all unencumbered balances of administration, operation and maintenance appropriations shall revert to the State Treasury at the end of each fiscal year; to provide that appropriations for capital expenditures for the purchase of land or the erection of buildings or new construction shall continue in force until the attainment of the object or the completion of the work for which such appropriations are made; to repeal all laws making permanent appropriations, definite and indefinite in amount, heretofore made to any state department, institution and establishment; to authorize transfers of appropriations; to vest investigatory powers in the Governor and the proposed State Comptroller; to create the office of State Comptroller; to define the powers and duties of the State Comptroller; to transfer the Department of Examiners of Accounts to the Office of State Comptroller; to relieve the State Auditor of certain accounting and auditing duties; to relieve the State Board of Administration of certain accounting and auditing duties, of all purchasing duties, of the duties of keeping inventories and the sale of furniture or fixtures, and the care and custody of State property as required in Sections 42 to 51, both inclusive, of the Code of 1923, or by any other provision of law, of administering the State insurance and State Insurance Fund, and advertising for and letting contracts for public printing; to abolish the State Budget Commission; to authorize transfers of appropriations to pay salaries of State Comptroller and accounting and clerical assistants; to make an appropriation for printing, installation expenses and operating supplies of State Comptroller's Office; to repeal all code sections and all acts or parts of acts in conflict with this Act; and to fix penalties and punishments for violations of this Act.

Mr. McDowell, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hildreth:

S. 141. To amend section 3762 of the Code of Alabama, 1923. Relates to Fees and Compensation of witnesses in criminal cases.

By Mr. Cowart:

S. 116. To amend Section 373 of the Code of Alabama of 1923.

Mr. Scruggs, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Miller (with amendment):

H. 127. To amend Section 7019 of the 1923 Code of Alabama.

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Tucker (with amendment) (with notice and proof):

H. 225. To provide for the election of a County Superintendent of Education by qualified electors of Clarke County, to fix his term of office, to designate the time of said election, the time at which he shall assume the duties of said office, to prescribe the salary of said superintendent and manner of payment thereof, to define his qualifications, powers and duties, to provide for filling vacancy in said office, to require said superintendent to give bond, to prescribe the nature and amount of said bond and how the premium on same shall be paid.

By Mr. Sossaman:

H. 221. To amend Sections 3, 6 and 7 of an Act entitled, "An Act to authorize the courts of County Commissioners, Boards of Revenue and Road Commissioners, or other governing bodies of like jurisdiction in all counties which now have or hereafter may have a population of not less than 105,000 and not more than 300,000 according to the last or any succeeding Federal Census, to establish and designate in all State and County elections, general, primary and special one or more voting places in all election precincts outside of the incorporated limits of each incorporated city or town in said counties, when it is deemed necessary for the convenience of the voters therein, and one voting place in each election ward in any incorporated city or town in said Counties, and to authorize the Board of Commissioners of each incorporated

city or other governing body of like jurisdiction of any city or town, to establish and designate a voting place in each ward in said city or town at which the qualified voters in such wards shall cast their ballots, and to require the Probate Judge of such counties to separate the list of qualified voters voting in those wards or districts that lie within the city limits or that are commonly known and considered as city wards or districts in groups in alphabetical order so that no group shall contain more than three hundred qualified voters, and in each State and County election to establish a voting place in each city ward, and to require the probate judge in such counties to furnish the election managers of city wards or districts a list of qualified voters in groups as herein provided, and to provide for the method of payment to the probate judge for the furnishing of said lists, and to require voters in city wards or districts in all elections to vote in the voting places assigned to them in alphabetical groups, and to require the legally constituted Boards or Committees by whatever name called authorized and empowered by law to appoint election officials to appoint sets of election officials for each group of three hundred qualified voters arranged alphabetically," approved May 28, 1931 (General Acts, 1931, page 269).

By Mr. Hooton (with notice and proof):

S. 155. To amend an Act entitled An Act passed over the Governor's veto on June 9th, 1931, which Act created and established, "The Inferior Court of Randolph County, defined its jurisdiction, provided for the Officers of said Court and for the manner of their selection or election, etc., and abolished the County Court of Randolph County, and the office of County Solicitor" by providing in said Act that the Clerk of said Inferior Court shall receive in addition to the fees therein provided Ex Officio Fees in the same amount that the Clerk of the Circuit Court receives and to provide for the manner and payment thereof.

By Mr. Shepherd (with notice and proof):

H. 59. To fix the salary of the Tax Assessor of Walker County, Alabama, and to provide for clerical assistance and other expenses; to require said Tax Assessor to Collect all fees, compensations, allowances and commissions heretofore collected by said Tax Assessor from any and all funds and sources, including county, state and school funds and all other sources, and to pay same into the county treasury of Walker County, Alabama, and to provide for the payment of the salary, clerical assistance, and other office expense out of the general funds of Walker County, Alabama, and to fix the time this bill shall become a law.

Mr. Wikle, Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin:

S. 151. To amend Section 2227 of the Code of 1923.

ADVERSE REPORTS

Mr. McDowell, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was placed on the adverse calendar, to-wit:
By Mr. Walker:

S. 48. To repeal Chapter 277 (Sections 7308 to 7337, both inclusive) of the Code of Alabama of 1923, and to provide for the transfer of all cases now pending in the Court of Appeals to the Supreme Court of Alabama, and to provide for the transfer of all books, records, documents, and supplies of the Court of Appeals to the Supreme Court, and to provide when this Act shall go into effect.

Mr. Mullins, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with an adverse report, and they were placed on the adverse calendar, to-wit:

By Mr. Bonner:

S. 149. To repeal the Act approved July 10th, 1931, and entitled "An Act to protect the public health and welfare, to provide for the construction, maintenance and operation of hospitals and sanatoria for the treatment of tuberculosis, and to make appropriations for the building and maintenance of same."

By Mr. Darden:

S. 108. To provide that certified statements of the birth and/or death of any person or persons appearing on the records of the State Health Department of Alabama, on application of any person interested or his attorney, in writing, to the State Health Department of Alabama, for the purpose or purposes of making claims or proof for any life insurance, compensation, and/or any other allowance to any person of this State, shall be furnished without charge, by the State Health Department of Alabama.

LEAVE OF ABSENCE

On motion of Mr. Shepherd, leave of absence was granted Mr. Cowart for today.

RESOLUTION

Mr. Jordan offered the following Joint Resolution:

S. J. R. 48. Resolved by the Senate, the House concurring, that when the two Houses adjourn today they adjourn to meet Tuesday, September 20th., at 10 A.M.

And on motion of Mr. Jordan, the rules were suspended and the resolution adopted.

Mr. Walker offered the following Senate Resolution:

S. R. 49. WHEREAS, the House of Representatives has passed an Act, being House Bill No. 305, an exact copy of which is hereto attached, and the same has been sent to the Senate for its action, and

WHEREAS, it appears to members of the Senate that there is doubt of the constitutionality of said Act;

Therefore, be it resolved by the Senate of Alabama:

That the Justices of the Supreme Court be and they are hereby requested, as provided by Section 10290 of the Code of Alabama, to render an opinion to the Senate as to whether the said Act offends Section 213 of the Constitution of Alabama, or any other Section of the Constitution.

And on motion of Mr. Walker, the rules were suspended, the Resolution put upon its immediate passage and adopted.

RESOLUTION AND SPECIAL ORDER

Mr. Fletcher offered the following Senate Resolution:

S. R. 50. RESOLVED BY THE SENATE:

That Senate Bill 87 be made a special order at 12:00 o'clock noon on the 14th Legislative day.

And on motion of Mr. Fletcher, the rules were suspended, the Resolution adopted and said bill, S. 87, made a special order for 12 o'clock noon on the fourteenth legislative day.

Mr. Faulk offered the following Senate Resolution:

S. R. 51. Resolved by the Senate that Assistant Doorkeeper Watkins, be permitted to sit in the Senate Chamber while same is in session.

And on motion of Mr. Faulk, the rules were suspended and the resolution adopted.

Mr. Teasley offered the following Joint Resolution:

S. J. R. 52. WHEREAS, the State of Alabama is indebted to the teachers of the several schools and colleges of the State in a large amount and there are no funds in the State treasury for the payment of same, and

Whereas, it is necessary, in order to keep the schools of the State open, to provide or formulate some plan or method to secure funds to pay the amounts due, as well as current salaries to teachers.

Therefore, be it resolved by the Senate, the House concurring, that a committee of five members, two members thereof to be appointed by the President of the Senate and three members thereof to be appointed by the Speaker of the House, for the purpose of conferring with a committee of bankers, not exceeding ten in number, to be appointed by the President of the Alabama Bankers' Association, for the purpose of devising some method or plan to secure funds to pay the indebtedness of the State to its teachers

and for current funds to continue the schools.

Resolved further, that the Secretary of the Senate be directed to mail a copy of this resolution to the President and Secretary of the Alabama Bankers' Association.

And on motion of Mr. Teasley, the rules were suspended, the Resolution put upon its immediate passage and adopted.

And the President of the Senate appointed as Committee on part of the Senate Messrs. Teasley and Fletcher.

Mr. Darden offered the following Senate Resolution:

S. R. 53. Whereas, there is now, and has been for several legislative days Senate Bill No. 56, pending before the Finance & Taxation Committee, of the Senate, relating to rate-valuations fixed or to be fixed by the Public Service Commission of this State, which bill is of the utmost importance to the people of Alabama, on the properties of Utilities of this State; and,

WHEREAS, it is of the utmost importance that said Finance and Taxation have before it the data hereafter set out and which is in the possession of the said Public Service Commission of Alabama, for the purpose of intelligently passing upon the merits of said bill intelligently; and,

WHEREAS, said Public Service Commission has been requested to furnish the data hereafter set out to the author of said Senate Bill No. 56 to be used before said Committee, and said Public Service Commission has declined, failed or refused to furnish the data hereafter set out for said Committee's;

Now, Therefore, Be it Resolved by the Senate of Alabama:

That the Public Service Commission of Alabama is requested to furnish by the next Legislative Day the following information to the Committee on Finance and Taxation of this body:

1. A complete list of all Public Utilities doing business in Alabama;

2. The valuation for rate-making purposes placed by the Public Service Commission of Alabama on the properties of the Utilities located in this State;

3. The valuation placed on each Utility's property in the State by the Utilities and filed with the Public Service Commission of this State.

4. The last annual Report of each Utility doing business in this State filed with the Public Service Commission of this State, showing its assets and liabilities.

Which was read and referred to the Standing Committee on Rules.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following

enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 39. To establish an inferior court in Precinct 36 in Dallas County, Alabama, in lieu of all justices of the peace, and notaries public with powers of justices of the peace, in said precinct, to be known as "The Court of Common Pleas of Selma,"; and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of the judge thereof; to provide for the execution of the process of said court, the issuance of certificates of judgment and the operation thereof; to regulate the procedure in said court, and the appeals therefrom; to provide for the appointment or election of the judge of said court; to fix the qualifications and compensation of said judge and the mode of his election, and term of office; to provide for the payment of the salary of the Judge and the expenses of said court; to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct; to provide for the transfer to said court of all causes pending in the justice of the peace courts in said precinct; to provide that the judge of said court may practice law; to provide for the payment of salaries of the Sheriff and Deputy Solicitor of said County for services rendered said Court; and to fix the costs and fees, and provide for the disposition of costs, fees, fines and forfeitures in said court.

S. 74. To abolish "The Dallas County Court" and to provide for the transfer and disposition of the cases and records of said court, and of the balance of any money arising therefrom, after the payment of all just claims against said county court fund.

T. A. Goodwin,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill and House joint resolution, your signature thereto is requested:

H. 179. To permit purchasers, mortgagees or lien holders to pay a proportionate or ratable amount of taxes on personal property sold to such purchaser or subject to such mortgage or lien without paying the entire taxes which are a lien upon said property, and upon such payment to relieve such property from any further lien.

Also:

H. J. R. 13. To amend the Constitution of the United States regarding the date on which the future Presidents and members of Congress shall assume office and to define the duties of either House in case of death or disqualification of President elect or Vice-President elect.

J. H. Stewart, Clerk.

SIGNING OF BILL AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and resolution; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without Engrossment:

By Dr. Granade:

H. 220. A bill to be entitled An Act to submit to the qualified voters of the State at the general election to be held on the first Tuesday after the first Monday of November, 1934, for their consideration an amendment to the Constitution of the State so as to direct the Legislature from time to time by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, to fix, regulate and alter the costs, charges of court, fees, commissions, allowances or salaries to be charged or received by certain county officers of Mobile County, Alabama, being the Judge of Probate, the Tax Assessor, the Tax Collector, the Clerk of the Circuit Court, and the Register of the Circuit and Chancery Courts, including the method or basis of the compensation of such officers.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely: "The Legislature of Alabama may hereafter from time to time by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, fix, regulate and alter the costs, charges of court, fees, commissions, allowances or salaries to be charged or received by the following County officers of Mobile County, Alabama, being, the Judge of Probate, the Tax Assessor, the Tax Collector, the Clerk of the Circuit Court, and the Register of the Circuit Court, including the method and basis of the compensation of such officers.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least eight successive weeks next preceding the general election in November, 1934, of the election on the amendment proposed by this act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election in November, 1934, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, namely: "Proposed Amendment to Constitution. The Legislature of Alabama hereafter from time to time by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, may fix, regulate and alter the costs, charges of court, fees, commissions, allowances or salaries to be charged or received by the following county officers of Mobile County, Alabama, the Judge of Probate, the Tax Assessor, the Tax Collector, the Clerk of the Circuit Court, and the Register of the Circuit Court, including the method and basis of the compensation of such officers." Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of said general election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Governor, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

J. H. Stewart, Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once at length, as required by the Constitution, and referred to appropriate standing committee as follows:

H. 220, to the Committee on Constitution and Constitutional Revision and Amendments.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill, and ordered same sent forthwith to the Senate without engrossment:
By Mr. Bradford of Cherokee:

H. 145. To define Burial Companies, Associations and Societies; to provide for the regulation of such Companies, Associations and Societies, to fix a standard of solvency for such Companies, Associations and Societies, and to further provide for the general revenue of the State by taxation of such Companies, Associations and Societies, and the fixing of a license fee upon their agents, to provide penalties for the violation of this Act, and to repeal all existing laws relating to or governing Burial Insurance Companies, Associations and Societies.

J. H. Stewart, Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate standing committee as follows:

H. 145, to the Committee on Banking and Insurance.

OPINION OF SUPREME COURT

TO THE SENATE OF ALABAMA:

Replying to Resolution 45, asking if Senate Bill 159 violates either Section 72 or 213 of the Constitution of 1901, will say:

As we view the bill it merely authorizes the consolidation of a debt already existing and does not create a new debt as forbidden by Section 213 of the Constitution of 1901. Whether or not the debt or warrants for which the bill authorizes a new consolidated warrant violates Section 213, we are not asked and do not express an opinion. It is sufficient to say that if the old or original warrants are valid charges, the consolidated or substituted warrant would be.

Nor do we think that the bill violates Section 72 of the Constitution. If the first warrants are valid charges, the giving or issuing of a new consolidated warrant would not violate Section 72 of the Constitution.

Respectfully,

JNO. W. ANDERSON,
Chief Justice.
WM. H. THOMAS,
A. B. FOSTER,
VIRGIL BOULDIN.
Associate Justices.

OPINION

The foregoing opinion was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate.

By Mr. West:

H. 229. To provide that in all counties in this State, having a population of three hundred thousand or more according to the last or any subsequent Federal census the probate judges in such counties shall be required to look after, protect against trespassers, and rent any real estate bid in by the State at tax sale and to investigate sales of real estate for taxes and bid in for the State, to notify parties at interest in such real estate, of such sale, to secure redemption or sale of property subject to sale at private sale by the State and to provide that such Probate Judges shall have the powers and perform the duties now or hereafter by law conferred upon or required of land agents in such counties; to require said judges of probate to collect and pay into the county treasury of said counties all costs, fees and commissions authorized by law to be charged for the performances of said services; and to provide that in all of said counties no land agent or other agent shall be appointed to perform any of said duties.

Also:

By Mr. Pitts:

H. 254. To repeal an Act entitled: "To create official State grades for strawberries and prescribe the marking of containers therefor; and to provide penalties for the violation of this Act," approved July 30, 1931.

Also:

By Mr. Swift:

H. 292. To repeal an Act of the Legislature of 1927, entitled "An Act to fix the salary of the Judge of the County Court of Escambia County, Alabama, and to provide for the payment of the same", which said Act was approved on August 30th, 1927.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced at the special session of the Legislature of Alabama, held during the year 1932, the substance of which shall be to repeal a certain Act of the Legislature of 1927, entitled "An Act to fix the salary of the Judge of the County Court of Escambia County, Alabama, and to provide for the payment of the same." The said Act having been approved under date of August 30th, 1927.

The said proposed bill shall provide that the provisions thereof shall become effective at the termination of the current term of the present Probate Judge of said Escambia County, Alabama.

The said proposed bill will be introduced during the said session of the Legislature, and an attempt made to have the same enacted into law.

G. R. SWIFT, Representative in the
Legislature from Escambia County.

State of Alabama, }
Escambia County. }

Personally appeared before the undersigned, a Notary Public within and for said County and State, Chas. W. Smith, publisher of The Atmore Ad-

vance, a newspaper published at Atmore, County of Escambia, State of Alabama, who being duly sworn, states on oath that the advertisement a copy of which is hereto annexed, captioned "Notice", was published in said newspaper in its issues of the following dates: Aug. 11, 1932; Aug. 18, 1932; Aug. 25, 1932; Sept. 1, 1932.

CHAS. W. SMITH,
Publisher.

Subscribed and sworn to before me this 3rd day of September, 1932.

(Seal)

J. L. THOMAS,
Notary Public.

My commission expires 2/6, 1936.

Also:

By Mr. Swift:

H. 293. To repeal an Act of the Legislature of 1927, entitled "An Act to fix the salary of the Deputy Solicitor for Escambia County, Alabama, and provide for the manner of payment of the same", which was approved on June 27th, 1927.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that there will be introduced in the special session of the Legislature of the State of Alabama, held during the year 1932, a bill, the substance of which shall be to repeal an Act of the Legislature of 1927, which is entitled "An Act to fix the salary of the Deputy Solicitor for Escambia County, Alabama, and provide for the manner of payment of the same." The same Act having been approved on June 27th, 1927.

The said proposed bill shall provide that the provisions thereof shall take effect immediately upon its approval by the Governor.

The said proposed bill will be introduced during the said session of the Legislature, and an attempt made to have the same enacted into law.

G. R. SWIFT, Representative in the
Legislature from Escambia County.

State of Alabama, }
Escambia County, }

Personally appeared before the undersigned, a Notary Public within and for said County and State, Chas. W. Smith, publisher of The Atmore Advance, a newspaper published at Atmore, County of Escambia, State of Alabama, who being duly sworn, states on oath that the advertisement a copy of which is hereto annexed, captioned "Notice", was published in said newspaper in its issues of the following dates: Aug. 11, 1932; Aug. 18, 1932; Aug. 25, 1932; Sept. 1, 1932.

CHAS. W. SMITH,
Publisher.

Subscribed and sworn to before me this 3rd day of September, 1932.

(Seal)

J. L. THOMAS,
Notary Public.

My commission expires 2/6, 1936.

Also:

By Mr. Swift:

H. 294. To authorize the holding of terms of the County Court of Escambia County in the City of Atmore and the establishment and maintenance of suitable quarters for the same.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of the intention to apply to the Legislature of Alabama at the Special Session of 1932 for the passage of a local law, which shall be substantially as follows:

A BILL TO BE ENTITLED AN ACT

To authorize the holding of terms of the County Court of Escambia County in the City of Atmore and the establishment and maintenance of suitable quarters for the same.

Be it enacted by the Legislature of Alabama:

Section 1. That in addition to the terms of the County Court of Escambia County, Alabama, nor or hereafter authorized or directed by law to be held at the county seat, there may be held regular or special terms of said Court in the City of Atmore whenever, in the opinion of the judge of said Court, the public convenience will be thereby subserved.

Section 2. That for the purpose of holding said Court in the City of Atmore the judge thereof is authorized to establish and maintain suitable quarters in said city, for which payment shall be made by the court of county commissioners on the certificate of said judge. Claims thereof shall be entitled to priority of payment from county funds in the same manner as claims for the expenses of other courts.

G. R. SWIFT, Representative in the
Legislature from Escambia County, Alabama.

State of Alabama, }
Escambia County, }

Personally appeared before the undersigned, a Notary Public within and for said County and State, Chas. W. Smith, publisher of The Atmore Advance, a newspaper published at Atmore, County of Escambia, State of Alabama, who being duly sworn, states on oath that the advertisement a copy of which is hereto annexed, captioned "Notice", was published in said newspaper in its issues of the following dates: Aug. 11, 1932; Aug. 18, 1932; Aug. 25, 1932; Sept. 1, 1932.

CHAS. W. SMITH,
Publisher.

Subscribed and sworn to before me this 3rd day of September, 1932.

(Seal) J. L. THOMAS,
Notary Public.

My commission expires 2/6, 1936.

Also:

By Mr. McGowin:

H. 252: To authorize the State Board of Education and the Butler County Board of Education to appropriate money to the operation of the Georgiana Public School.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the following bill will be introduced at the next extraordinary session of the legislature of Alabama:

A BILL TO BE ENTITLED AN ACT

To authorize the State Board of Education and the Butler County Board of Education to appropriate money to the operation of the Georgiana Public School.

Be it enacted by the Legislature of Alabama:

Section 1. That the State Board of Education and Butler County Board of Education be and is hereby authorized and empowered to appropriate money to the maintenance, repair, insurance and other incidentals to the upkeep of the Georgiana Public School, the same as is appropriated to maintain, repair, insure and otherwise upkeep the public schools in the State of Alabama, until such time as the bonded indebtedness is paid on the said Georgiana Public School and title can be transferred to the State of Alabama.

Section 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

HERMAN PRIDE, Mayor.

State of Alabama }
Butler County. }

I, D. J. Fail, Jr., Notary Public in and for said county hereby certify that H. Pride whose name is signed below, appeared before me and stated under oath that he is publisher of the Butler County News, a newspaper published weekly in the Town of Georgiana, Butler County, State of Alabama, and that the attached notice of publication, appeared in said newspaper on the following dates: May 5, 12, 19, 26, 1932.

(Signed) H. PRIDE.

Sworn and subscribed before me this the 29th day of August, 1932.

D. J. FAIL, JR., N. P.

My commission expires 1934.

Also:

By Mr. Callahan:

H. 121. To amend Section seven of Section 7407 of the Code of Alabama, 1923.

J. H. Stewart, Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were read once and referred to appropriate standing committees as follows:

H. 229, to the Committee on Banking and Insurance.

H. 254, to the Committee on Agriculture.

H. 292, H. 293 and H. 294, to the Committee on Local Legislation.

H. 252, to the Committee on Finance and Taxation.

H. 121, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 48. Relative to the adjournment of the two Houses until Tuesday, September 19, 1932, at ten o'clock, A. M.

And returns same herewith to the Senate.

J. H. Stewart, Clerk.

MOTION TO TAKE FROM ADVERSE CALENDAR

Pursuant to notice heretofore given, Mr. Darden moved to take from the Adverse Calendar, have the same read a second time and placed on the regular calendar for a third reading, the bill:

S. 94. To repeal Sections 44, 45, 46, 47, 48, 49, 50, 51 and 52 of an Act in reference to and to further provide for the general revenue of the State of Alabama approved July 22, 1927.

Mr. Teasley moved to table the motion to take from the Adverse Calendar, which motion to table was lost.

Yeas, 14; nays, 15.

Yeas:

Messrs.:

Beasley	Fletcher	Lapsley	Powell
Bonner	Hildreth	McDaniel	Teasley
Caffey	Hubbard	Millsap	Wikle
Farmer	Jordan		

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Nays:

Messrs.:

Bartlett	Delony	Goodwin	Scruggs
Cooper	Duncan	Kelley	Walker
Craft	Faulk	Mullins	Warren
Darden	Garrett	Riddle	

—15

The question then recurred on the motion of Mr. Darden to take said bill from the adverse calendar, which motion was lost by failure to receive a majority vote of the whole number elected to the Senate.

Yeas, 17; nays, 17.

Yeas:

Messrs.:

Bartlett	Delony	Goodwin	Riddle
Brown	Duncan	Hooton	Scruggs
Cooper	Faulk	Kelley	Walker
Craft	Garrett	Mullins	Warren
Darden			

—17

Nays:

Messrs.:

Beasley	Fletcher	Lapsley	Powell
Bonner	Hildreth	McDaniel	Shepherd
Caffey	Hubbard	McDowell	Teasley
Edmundson	Jordan	Millsap	Wikle
Farmer			

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate:

By Mr. Pierce:

H. J. R. 38. To provide for the appointment of a Commission to be known as the Alabama Century of Progress International Exposition Chicago 1933, Commission.

WHEREAS, there is to be held in the City of Chicago, State of Illinois, from June 1st, 1933, to and including October 31st, 1933, A Century of Progress International Exposition, and

WHEREAS, the State of Alabama through its Governor has been officially invited, along with the other States of the United States, to participate in said Exposition, and place exhibits in said Exposition distinctive of their progress development, and natural resources, and forty four of the States realizing the unsurpassed opportunity are making plans for participation through the appropriation of money for exhibits or the appointment of official State Commissions or both, and,

WHEREAS, it is deemed advisable for the State of Alabama to be represented by exhibit at said Exposition.

Be it resolved by the House of Representatives assembled, the Senate concurring, That the Governor of the State of Alabama be and is hereby authorized to appoint a Commission consisting of ten representative citizens of the State of Alabama, to devise ways and means to carry out the purpose of this resolution by public subscription, The Governor of the State of Alabama being Chairman Ex-Officio.

The several Departments of State to assist the Commission hereby created, in furnishing information and material for exhibit when called upon, to satisfactorily portray the natural resources, Tourist facilities, Industrial development, Agricultural and Historical features, Port facilities, Transportation, Educational advantages and contributions to human progress.

J. H. Stewart, Clerk.

HOUSE MESSAGE

On motion of Mr. Jordan, H. J. R. 38, set out in the foregoing Message from the House, was concurred in and adopted.

NOTICE

Mr. Bonner gave to the Senate the following notice in writing: "Notice is hereby given that on the next legislative day I will move that Senate Bill No. 149 be taken from the Adverse Calendar and read a second time and placed on the calendar for passage.

This September 16th, 1932.

J. M. Bonner,
Senator from 22nd Senatorial District."

BILL TAKEN FROM CALENDAR AND RE-COMMITTED

On motion of Mr. Jordan, the bill:

S. 151. To amend Section 2227 of the Code of 1923.

Was taken from the calendar and re-referred by the President of the Senate to the Standing Committee on Municipalities and Municipal Organizations.

NOTICE

Mr. Walker gave to the Senate the following notice in writing:
 "I hereby give notice that on the 14th Legislative day I will
 move to take from the adverse calendar of the Senate S. 48.

R. H. Walker."

BILLS ON THIRD READING

The bill:

S. 144. To amend Section Three (3) of an Act, Entitled An Act to provide for the election of a County Superintendent of Education of Coosa County, Alabama, to fix his term of office, to prescribe his salary and provide for the manner of payment of the same; to define his qualifications, powers and duties and to provide that women who meet the requirements of this Act are eligible to nomination and election to the office of County Superintendent of Education, of Coosa County, Alabama; to provide for the election of his successor in office and to provide for his removal by the County Board of Education for good cause, approved August 9th, 1927, Local Acts of Alabama, page 127, 1927.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Jordan	Riddle
Bonner	Farmer	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle
Delony	Hooton		

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The bill:

S. 142. To abolish the County Board of Education of Coosa County, Alabama and to create and establish in lieu thereof a County School Board for Coosa County, Alabama; to define the number on said County School Board, define their qualifications, terms of office, and to provide for the election of the Members of the County School Board by the Senate of Alabama created under this act, and afterwards for their nomination and election as other county officers are nominated and elected, and if the Senate of Alabama is not in session when this act becomes effective said Members are to be appointed by the Governor of Alabama; to provide for filling vacancies on said County School Board of Coosa County, Alabama; to provide for the removal of Members of said County School Board; to define their duties and powers, to fix the compensation of members of said County School Board and the

manner for paying the same; to provide for the organization of the County School Board of Coosa County, Alabama; to prohibit executive meetings of the County School Board of Coosa County; to make women eligible for members on said County School Board; and to provide that the County School Board of Coosa County, shall be governed by all local or general laws not in conflict with the provisions of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Jordan	Riddle
Bonner	Farmer	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle
Delony	Hooton		

—34

The bill:

S. 143. To abolish District Trustees of District Number Twenty-five, Coosa County, Alabama, or such other name the said District Trustees of said District Number Twenty-five, Coosa County, Alabama, are known and called; and to create in lieu thereof and to establish a Public School Board for District Number Twenty-five, Coosa County, Alabama to Consist of Five Members; to provide for the nomination and/or election of the Members of the said Public School Board of District Number Twenty-five; to define their qualifications and terms of office; to define their duties, powers and obligations; to provide for the organization of said Public School Board and to require said Board to keep a record of their meetings, and to provide that all meetings shall be public and to prohibit executive meetings of the said Board; and to provide that said Public School Board may establish reasonable rules and regulation for their guidance in their work as such Board, and to provide said Board may create, establish and enforce any reasonable qualifications for teachers in their district, not in conflict with the general laws of this state or that of the State Department of Education.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Brown	Craft	Duncan
Beasley	Caffey	Darden	Edmundson
Bonner	Cooper	Delony	Farmer

Faulk	Hubbard	Millsap	Shepherd
Fletcher	Jordan	Mullins	Teasley
Garrett	Kelley	Powell	Walker
Goodwin	Lapsley	Riddle	Warren
Hildreth	McDaniel	Scruggs	Wikle
Hooton	McDowell		

—34

The bill:

H. 266. To authorize the Court of County Commissioners of Lamar County, Alabama, to support the paupers in the County without sending all of them to the Poor House.

Was read a third time at length and passed.

Yeas, 34; nays, 0.

Yeas:

Messrs.:			
Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Jordan	Riddle
Bonner	Farmer	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle
Delony	Hooton		

—34

The bill:

H. 267. To fix the pay of grand jurors and petit jurors serving in the circuit court of Lamar County. To prescribe the manner of payment and to prescribe the duties of the circuit clerk and county treasurer of Lamar County under this Act.

Was read a third time at length and passed.

Yeas, 34; nays, 0.

Yeas:

Messrs.:			
Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Jordan	Riddle
Bonner	Farmer	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle
Delony	Hooton		

—34

The bill:

H. 147. To authorize the Superintendent of Banks to borrow money on behalf of a closed bank or trust company to secure the same by a pledge of the assets of such bank or trust company for the purpose of protecting and preserving the assets of the bank, of paying secured claims, of aiding in the reorganization or re-opening of the closed bank, and/or of making distribution to depositors and creditors.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cooper
Darden

Delony
Duncan
Farmer
Faulk
Garrett
Goodwin

Hooton
Hubbard
Kelley
Lapsley
McDaniel
McDowell

Millsap
Mullins
Powell
Scruggs
Shepherd
Walker

—24

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the thirteenth Legislative Day, and finds same correct and containing all original entries and references thereto required by the Constitution.

Respectfully submitted,
Hubert Farmer, Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read, and, on motion of Mr. Farmer, said report was concurred in and the Journal of the Senate for the thirteenth Legislative Day, approved by the Senate.

ADJOURNMENT

At 12:30 P. M., on motion of Mr. McDowell, the Senate adjourned until Tuesday, September 20th, 1932, at 11 A. M.

FOURTEENTH DAY

Tuesday, September 20th, 1932.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

By Dr. D. C. MacGuire of the First Presbyterian Church of Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Edmundson
Farmer
Faulk
Fletcher
Garrett
Goodwin
Hooton

Hubbard
Jordan
Kelley
Lapsley
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—34

JOURNAL

On motion of Mr. Duncan, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Walker:

S. 171. To amend an Act entitled: "An Act to create and establish an inferior statutory court in Limestone county, Alabama to be called The Municipal Court of Limestone county; to provide for and define the jurisdiction and powers of such court; to provide for a judge thereof and other officers, their term of office and the manner of the selection of such officers, and their powers, duties and compensation; to fix and define the fees and costs chargeable in said court; to provide rules of procedure in such court; to provide for registering of its judgments and the lien of such judgments, and to provide for the transfer of causes from any abolished court having the same jurisdiction to this court when created and established."

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following Act will be offered in the present special session of the legislature:

AN ACT

To amend an Act entitled: "An Act to create and establish an inferior statutory court in Limestone county, Alabama, to be called The Municipal Court of Limestone county; to provide for and define the jurisdiction and powers of such court; to provide for a judge thereof and other officers, their term of office and the manner of the selection of such officers, and their powers, duties and compensation; to fix and define the fees and costs chargeable in said court; to provide rules of procedure in such court; to provide for registering of its judgments and the lien of such judgments, and to provide for the transfer of causes from any abolished court having the same jurisdiction to this court when created and established."

Be it enacted by the Legislature of Alabama:

Section 1. That Section 12 of an Act of the legislature entitled: "An Act to create and establish an inferior statutory court in Limestone county, Alabama, to be called The Municipal Court of Limestone county; to provide for and define the jurisdiction and powers of such court; to provide a judge thereof and other officers, their term of office and the manner of the selection of such officers, and their powers, duties and compensation; to fix and define the fees and costs chargeable in said court; to provide rules of procedure in such court; to provide for registering of its judgments and the lien of such judgments, and to provide for the transfer of causes from any abolished court having the same jurisdiction to this court when created and established." be amended so as to read as follows: Section 12. That the judge of said court shall receive a salary of eighteen hundred dollars per annum, payable in twelve equal monthly installments of one hundred and fifty dollars each, upon warrants drawn by said judge upon The Municipal Court Fund in said treasury, and shall not be payable out of any other fund of said county, and it shall be the duty of said judge some time between the 25th day of December and the 31st day of December of each year to draw a warrant on said Municipal Court Fund in the treasury for the remainder of said fund then on hand in said Municipal Court Fund, payable to and to be deposited to the Fine and Forfeiture fund of said county in the treasury.

R. H. Walker.

The State of Alabama, }
Montgomery County. }

I, R. H. Walker, Editor and Publisher of The Limestone Democrat, do hereby certify that the above and foregoing notice of private bill was published in The Limestone Democrat, a weekly newspaper published in Athens, Limestone County, Alabama, on the following dates, to-wit: August 25th, Sept. 1, 8, and 15th, 1932.

R. H. WALKER,
Editor & Publisher.

Sworn to and subscribed before me on this the 20th day of September, 1932.

JULIA KLINGE,
Notary Public.

By Mr. Shepherd:

S. 172. To amend an act "To abolish the Board of Revenue of Walker County, Alabama, and to establish in lieu thereof a County Commission; to provide when said Board of Revenue shall be abolished and said County Commission established; to provide the number of members and who shall constitute the members of said County Commission, and to prescribe their terms of office, authority, powers and duties and fix their compensation; to provide for the selection and election of said members and to repeal all laws and parts of laws in conflict herewith," approved June 13, 1931, said act to be amended so as to read as follows: AN ACT to abolish the Board of Revenue of Walker County, Alabama, and to establish in lieu thereof a county commission; to provide when said Board of Revenue shall be abolished and said County Commission established; to provide the number of members and who shall constitute the members of said County Commission, and to prescribe their terms of office, authority, powers and duties and fix their compensation; to provide for the selection and election of said members and to repeal all laws and parts of laws in conflict herewith.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

As is required by the Constitution and Laws of the State of Alabama, notice is hereby given that the following local bill for Walker County, Alabama will be introduced and offered for passage in the special or extraordinary session of the Legislature of Alabama, which has been called by the Governor of Alabama, to begin on August 16, 1932, in substance as follows:

A BILL TO BE ENTITLED AN ACT TO AMEND AN ACT

"To abolish the Board of Revenue of Walker County, Alabama, and to establish in lieu thereof a County Commission; to provide when said Board of Revenue shall be abolished and said County Commission established; to provide the number of members and who shall constitute the members of said County Commission, and to prescribe their terms of office, authority, powers and duties and fix their compensation; to provide for the selection and election of said members and to repeal all laws and parts of laws in conflict herewith," approved June 13, 1931, said act to be amended so as to read in substance as follows:

AN ACT

To abolish the Board of Revenue of Walker County, Alabama and to establish in lieu thereof a County Commission; to provide when said Board of Revenue shall be abolished and said County Commission established; to provide the number of members and who shall constitute the members of said County Commission, and to prescribe their terms of office, authority, powers and duties and fix their compensation; to provide for the selection and election of said members and to repeal all laws and parts of laws in conflict herewith,

Be It Enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue of and for Walker County, Alabama, be and the same is hereby abolished and a County Commission for Walker County, Alabama, be and the same hereby created and established in lieu thereof; and that the effective date of the abolition of said Board of Revenue and establishment of said County Commission shall be at midnight on the first Monday after the second Tuesday in January, 1933.

Section 2. That said County Commission shall consist of three members; that one of the members shall be known as the Chairman of the Commission, and one as Commissioner of Roads and Bridges, and the other Finance and Audits Commissioner; that each of said members when elected shall be elected by the qualified electors of Walker County, Alabama, and hold office for a term of four years, and until his successor is elected and qualified, subject to impeachment and removal from office; that the Chairman shall be elected at the general election in 1932, and every four years thereafter, and hold office for a period of four years from the first Monday after the Second Tuesday in January next succeeding such elections, and until his successor is elected and qualified, and the other two members shall be elected at the general election in 1934, and every four years thereafter, and hold office for four years from the first Monday after the second Tuesday in January next succeeding such election, and their respective successors are elected and qualified; and that the two members of the present Board of Revenue for Walker County who were elected at the general election in 1930 shall be members of said County Commission from the effective date of the establishment of said County Com-

mission until midnight of the first Monday after the second Tuesday in January, 1935, the member from the present District Number One, to be Commissioner of Roads and Bridges and the member from the present District Number Three, to be Commissioner of Finance and Audits.

Section 3. That the compensation of the Chairman of the County Commission shall be Twenty-Eight Hundred Eighty Dollars each per year, and that the salary of the other two members Nineteen Hundred Twenty Dollars each per year, one-twelfth of such yearly salaries to be paid on the first of each month during the term; and such salaries shall be payable by warrants drawn by the Chairman upon the general funds of the County.

Section 4. That the Probate Judge of Walker County, Alabama shall not be a member nor an Ex-Officio member and Chairman of said County Commission, nor receive any compensation or salary as a member or Ex-Officio member and Chairman thereof, nor have or exercise any jurisdiction, authority, power, or perform any of the duties of said Commission or of any member thereof.

Section 5. That Walker County, Alabama, is hereby divided into two districts as follows: Begin on the West boundary line of Walker County at the Northwest corner of Section Six, Township Fifteen, Range Nine West, and run thence east along the North boundary line of Township Fifteen to a point where the same intersects the east boundary line of Walker County, Alabama; that the part of Walker County lying north of said line shall be District One, and that part lying south of said line shall be District Two. That the Chairman of said Commission shall be a resident and qualified elector of Walker County, Alabama; that one of the other members of said Commission shall be a resident and qualified elector of District One, and the other member of said Commission shall be a resident and qualified elector of District Two.

Section 6. That at the first meeting of the Commission after the first Monday after the second Tuesday in January, 1935, and every four years thereafter, said Commission shall designate one of its members as Commissioner of Roads and Bridges and another as Commissioner of Finance and Audits, both to be members other than the Chairman; but such designation may be changed by the Commission from time to time at its discretion.

Section 7. That said Commission shall hold regular sessions or meetings at the Court House, at Jasper, Alabama, on Mondays, Wednesdays, and Fridays of each week, and may hold sessions or meetings at such other times as the Commission may designate. All members of said Commission shall give their entire time, during regular working hours, to the duties of the office and shall hold no other lucrative office. A majority of said Commission shall constitute a quorum for the transaction of business for the Commission, and no business or act which requires the sanction of the Commission can be authorized by less than a majority of the Commission.

Section 8. It shall be the special duty of the Commissioner of Roads and Bridges to superintendent the construction and maintenance of roads and bridges in the County. It shall be the special duty of the Commissioner of Finance and Audits to check up, supervise and audit all accounts, deposits, books, contracts, warrants, receipts, disbursements, and moneys of the County and of the said Commission and in which the county and said Commission or the people of Walker County, Alabama, have an interest. It shall be the special duty of the Chairman of said Commission to preside at all meetings of the commission, unless absent, to prepare and sign the minutes of the proceedings of the Commission, to sign all warrants drawn on the County Treasury in payment of legal claims, to sign the orders for payment or disbursement of money or funds by the Commission in payment of legal claims, to generally supervise the business coming before the Commission, to prepare and execute all orders thereof, and perform all duties and services heretofore performed by the Probate Judge of Walker County, as Ex-Officio Member and Chairman of the Board of Revenue. Nothing herein shall be construed to relieve any member of the Commission from any duty or obligation now, or

which may hereafter be imposed by law upon him or upon said Commission.

Section 9. Said Commission shall have authority to employ one Clerk at a salary not to exceed One Hundred Dollars per month.

Section 10. That all purchases, contracts for purchases, contracts for work or labor, and contracts for the expenditure of money, for or on behalf of the County, must have the approval of the Commission before such purchases or contracts are made, which approval must appear on the minutes of the Commission. Provided, however, that any member of the Commission may make purchases, contracts, for purchases, contracts for work or labor, and contracts for the expenditure of money, when the amount involved is not more than Fifty Dollars, without first having obtained the approval of the Commission, and when an emergency makes it necessary that such purchases or contracts be made without delay, as in cases of repair of the County's road machinery, automobiles, trucks and bridges. Such emergency purchases and contracts must be reported in writing and in detail to the Commission for consideration, by the member making them, within three days thereafter.

Section 11. That said County Commission and its members shall have and exercise all the jurisdiction, rights, powers and authority and shall perform all the duties and services which are now or may hereafter be vested in or put upon Courts of County Commissioners, Boards of Revenue, and other governing bodies or courts of like kind by the general laws of Alabama.

Section 12. That each member of the Commission shall have an equal vote in all matters coming before the Commission for consideration or action.

Section 12-A. That the Chairman of the County Commission for Walker County, Alabama, before entering upon the duties of his office, must give bond, with at least one good and sufficient surety in a fidelity or guaranty company authorized and qualified to do business in Alabama, in the sum of Fifty Thousand Dollars, payable to Walker County, Alabama, and conditioned as prescribed by law, which bond is to be approved by the Judge of Probate, of Walker County, Alabama, and filed and recorded in his office, the cost of premiums on said bond and recording the same to be paid by the County.

Section 13. That all laws and parts of laws, local, special and general, in conflict herewith are hereby repealed.

Section 14. That if any part hereof shall be declared invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of this law.

CARTER MANASCO,
Representative Walker County.
COLEMAN D. SHEPHERD,
Senator 12th District.

The State of Alabama }
Walker County }

Before me, the undersigned authority in and for said State and County, this day personally appeared R. W. Boteler, Asst. Mgr. of The Mountain Eagle, a newspaper published at Jasper, Walker County, Alabama, who, being duly sworn, says that the Legal Notice, copy of which is hereto attached, was published in the said Mountain Eagle once a week for 4 consecutive weeks namely Aug. 17, 24, 31 & Sept. 7, 1932.

R. W. BOTELER,
Assistant Manager.

Sworn and subscribed before me, this 9 day of Sept. 1932.

MRS. ANNIE DAVIS,
Notary Public.

(Seal)

By Mr. Kelley:

S. 173. For relief of Dixie Chemical Products Co., Inc., and to authorize and empower the Board of Revenue of Morgan County,

Alabama, to pay within its discretion, to the said Dixie Chemical Products Co., Inc., the sum of \$182.10 with interest from Jan. 23, 1922, which sum of money represents an account created by the County of Morgan through its Sheriff, J. V. May, which account has never been paid.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the present Special Session of the Legislature the following Act will be submitted for passage.

AN ACT

For relief of Dixie Chemical Products Co., Inc., and to authorize and empower the Board of Revenue of Morgan County, Alabama, to pay, within its discretion, to the said Dixie Chemical Products Co., Inc., the sum of \$182.10 with interest from Jan. 23, 1922, which sum of money represents an account created by the County of Morgan through its Sheriff, J. V. May, which account has never been paid.

Be it enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue of Morgan County, Alabama, be and is hereby authorized and empowered to pay, in its discretion, to the Dixie Chemical Products Co., Inc., the sum of \$182.10 and interest from January 23, 1922, which sum of money represents an account created by Morgan County, Alabama, through its Sheriff, J. V. May, which account is now past due and unpaid.

J. MARVIN KELLY,
Senator 2nd District.

State of Alabama, }
Morgan County. } ss:

Before me, R. T. Sheppard, a Notary Public in and for said State and county, appeared Elisabeth Sullivan, known to me to be the Classified Manager of the Decatur Daily, a daily newspaper published at Decatur, Morgan County, Alabama; who after being duly sworn by me deposes and says that the attached notice appeared in The Decatur Daily on the following dates, Aug. 24-31, Sept. 7-14, 1932.

ELISABETH SULLIVAN.

Sworn to and subscribed before me this the 17th day of Sept., 1932.

R. T. SHEPPARD,
Notary Public.

My Commission expires the 15th day of Dec., 1932.

By Mr. Scruggs:

S. 174. To authorize, regulate and provide for the admission in evidence of the conclusions or opinions of lay witnesses.

Committee on Revision of Laws.

REPORTS OF COMMITTEES

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Ogden (with notice and proof):

H. 265. To prescribe the duties and fix the compensation of the Deputy Solicitor for Lamar County, Alabama, and to repeal all laws and parts of laws in conflict with this Act.

Mr. Edmundson, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bradford of Cherokee:

H. 145. To define Burial Companies, Associations and Societies; to provide for the regulation of such Companies, Associations and Societies, to fix a standard of solvency for such Companies, Associations and Societies, and to further provide for the general revenue of the State by taxation of such Companies, Associations and Societies, and the fixing of a license fee upon their agents, to provide penalties for the violation of this Act, and to repeal all existing laws relating to or governing Burial Insurance Companies, Associations and Societies.

Also:

By Mr. Walker:

S. 168. To impose all the duties of the State Securities Commission and the duties of the President and Associate Members of said Commission under existing law upon the Superintendent of Banks of this State; and to invest in the Superintendent of Banks all the authority, rights, privileges and immunities of the State Securities Commission and of the President and Associate Members of said Commission; and to provide that on and after the effective date of this Act the State Securities Commission shall be composed of the Superintendent of Banks of this State; and to provide that the State Securities Commission shall have its office in the office of the Superintendent of Banks of this State.

LEAVE OF ABSENCE

On motion of Mr. Farmer, leave of absence was granted Mr. Hildreth for today.

RESOLUTION

Mr. Teasley offered the following joint resolution:

S. J. R. 54. Resolved by the Senate, the House concurring, that when the two houses adjourn today, they will adjourn to meet again on Thursday, September 22, 1932.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE

Mr. Powell, chairman of Standing Committee on Rules, reported that said committee, in session, had acted on the following resolu-

tion and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 54. Resolved by the Senate, the House concurring, that when the two Houses adjourn today, they will adjourn to meet again on Thursday, September 22, 1932.

And on motion of Mr. Powell, the resolution was put upon its immediate passage and adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills and House Joint Resolution, your signature thereto is requested:

H. 147. To authorize the Superintendent of Banks to borrow money on behalf of a closed bank or trust company and to secure the same by a pledge of the assets of such bank or trust company for the purpose of protecting and preserving the assets of the bank, of paying secured claims, of aiding in the reorganization or reopening of the closed bank, and/or of making distribution to depositors and creditors.

Also:

H. 266. To authorize the Court of County Commissioners of Lamar County, Alabama, to support the paupers in the County without sending all of them to the Poor House.

Also:

H. 267. To fix the pay of grand jurors and petit jurors serving in the circuit court of Lamar County. To prescribe the manner of payment and to prescribe the duties of the circuit clerk and county treasurer of Lamar County under this Act.

Also:

H. J. R. 38. To appoint a Commission to be known as "Alabama Century of Progress International Exposition Chicago 1933 Commission," to participate in the Exposition with exhibits of the resources of Alabama and contributions to human progress.

J. H. Stewart,
Clerk

SIGNING OF BILLS AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and resolution. The titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. O'Neal:

H. 107. To amend Section 12 of an Act "Relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney busses and trailers used on the public highways of Alabama and for the registration or license fee therefor and to further provide for the revenue of the State of Alabama" approved September 13, 1923.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House Bill in the foregoing House Message was read once and referred to appropriate standing committee as follows:

H. 107, to the Committee on Finance and Taxation.

MOTIONS TO TAKE FROM ADVERSE CALENDAR

Pursuant to notice heretofore given, Mr. Bonner moved to take from the adverse calendar, have the same read a second time and placed on the regular calendar, the bill:

S. 149. To repeal the Act approved July 10th, 1931, and entitled "An Act to protect the public health and welfare, to provide for the construction, maintenance and operation of hospitals and sanatoria for the treatment of tuberculosis, and to make appropriations for the building and maintenance of same."

Mr. Scruggs moved to table the motion of Mr. Bonner, which motion prevailed and the motion to take from the adverse calendar was laid on the table.

Yeas, 15; nays, 13.

Yeas:

Messrs.:

Beasley
Caffey
Cowart
Darden

Garrett
Goodwin
Hooton
Hubbard

Jordan
Lapsley
McDaniel
Mullins

Powell
Scruggs
Wikle

—15

Nays:

Messrs.:

Bartlett
Bonner
Cooper
Craft

Delony
Duncan
Farmer

Faulk
Fletcher
Kelley

McDowell
Millsap
Walker

—13

Mr. Scruggs moved that said bill be indefinitely postponed, which motion prevailed and said bill was indefinitely postponed by the Senate.

Pursuant to notice heretofore given, Mr. Walker moved to take from the adverse calendar, have the same read the second time and placed on the regular calendar, the bill:

S. 48. To repeal Chapter 277 (Sections 7308 to 7337), both inclusive) of the Code of Alabama of 1923, and to provide for the transfer of all cases now pending in the Court of Appeals to the Supreme Court of Alabama, and to provide for the transfer of all books, records, documents, and supplies of the Court of Appeals to the Supreme Court, and to provide when this Act shall go into effect.

Mr. Mullins moved to table the motion of Mr. Walker, which motion was lost.

Yeas, 7; nays, 23.

Yeas:

Messrs.:

Bonner

Farmer

Hubbard

McDaniel

McDowell

Millsap

Mullins

—7

Nays:

Messrs.:

Beasley

Caffey

Cooper

Cowart

Craft

Darden

Delony

Duncan

Edmundson

Faulk

Fletcher

Garrett

Goodwin

Hooton

Jordan

Kelley

Lapsley

Powell

Scruggs

Teasley

Walker

Warren

Wikle

—23

PAIR ANNOUNCED

Mr. Bartlett announced that he and Mr. Hildreth were paired on this vote; that Mr. Hildreth, if present, would vote yea, and he, Mr. Bartlett, would vote nay.

The question then recurred on the motion of Mr. Walker to take said bill from the adverse calendar, have the same read the second time and placed on the regular calendar, which motion prevailed and said bill was taken from the adverse calendar, read a second time and placed on the regular calendar for a third reading.

Yeas, 24; nays, 5.

Yeas:

Messrs.:

Beasley

Caffey

Cooper

Cowart

Darden

Delony

Duncan

Edmundson

Farmer

Faulk

Fletcher

Garrett

Goodwin

Hooton

Hubbard

Jordan

Kelley

Lapsley

Powell

Scruggs

Teasley

Walker

Warren

Wikle

—24

Nays:

Messrs.:

Bonner
McDaniel

McDowell

Millsap

Mullins

—5

PAIR ANNOUNCED

Mr. Bartlett announced that he and Mr. Hildreth were paired on this vote; that Mr. Hildreth, if present, would vote nay and he, Mr. Bartlett, would vote yea.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Morrow:

H. 192. To amend group 6 of Section 3022, Article 2 of the Code of Alabama.

Also:

By Mr. Morrow:

H. 193. To provide for the exemption of blind persons from the payment of special privilege license in the State of Alabama, or any county or municipal sub-division of the State of Alabama; to provide the method for blind persons claiming such exemption; and to provide a penalty for the violation of this Act.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to an appropriate standing committee as follows:

H. 192, to the Committee on Education.

H. 193, to the Committee on Finance and Taxation.

CONSIDERATION OF SPECIAL ORDER

The hour of 12 o'clock having arrived, the Senate proceeded to consider the Special Order for that hour, which was the bill:

S. 87. To provide for a State budget system and the transmission of a budget to the Legislature; to establish financial control over all State financial operations; to centralize disbursements of all State funds; to vest in the Governor a direct and effective supervision of all departments and establishments and every State agency by whatever name now or hereafter called; to require the Governor to initiate, prepare and maintain a balanced budget; to establish a uniform fiscal year for all State departments and establishments; to establish regulations with reference to appropriations; to prohibit the submission of estimates by departments direct to

the Legislature; to provide that appropriations shall not be made available for expenditure until allotted by the Governor; to declare that appropriations now or hereafter made are to be maximum, conditional and proportionate appropriations; to direct and require that the Governor so administer this Act as to prevent any overdrafts or deficits in any fiscal year; to direct that all departmental receipts other than private trust funds shall be deposited in the State Treasury and be not available for expenditure until allotted by the Governor; to direct that all unencumbered balances of administration, operation and maintenance appropriations shall revert to the State Treasury at the end of each fiscal year; to provide that appropriations for capital expenditures for the purchase of land or the erection of buildings or new construction shall continue in force until the attainment of the object or the completion of the work for which such appropriations are made; to repeal all laws making permanent appropriations, definite and indefinite in amount; heretofore made to any State department, institution and establishment; to authorize transfers of appropriations; to vest investigatory powers in the Governor and the proposed State Comptroller; to create the office of State Comptroller; to define the powers and duties of the State Comptroller; to transfer the Department of Examiners of Accounts to the Office of State Comptroller; to relieve the State Auditor of certain accounting and auditing duties; to relieve the State Board of Administration of certain accounting and auditing duties, of all purchasing duties, of the duties of keeping inventories and the sale of furniture or fixtures, and the care and custody of State property as required in Sections 42 to 51, both inclusive, of the Code of 1923, or by any other provision of law, of administering the State insurance and State Insurance Fund, and advertising for and letting contracts for public printing; to abolish the State Budget Commission; to authorize transfers of appropriations to pay salaries of State Comptroller and accounting and clerical assistants; to make an appropriation for printing, installation expenses and operating supplies of State Comptroller's Office; to repeal all code sections and all Acts or parts of Acts in conflict with this Act; and to fix penalties and punishments for violations of this Act.

The Committee on Finance and Taxation reported the following substitute for said bill, to-wit:

SUBSTITUTE FOR SENATE BILL 87, BY COMMITTEE ON
FINANCE AND TAXATION

Section 1—TITLE OF ACT

Section 2—PURPOSES

Section 3—CREATION OF THE OFFICE OF STATE
COMPTROLLER

Section 4—POWERS AND DUTIES OF STATE COMP-
TROLLER

- Section 5—DEPARTMENT OF EXAMINERS OF ACCOUNTS TRANSFERRED TO OFFICE OF STATE COMPTROLLER AS A DIVISION OF DEPARTMENTAL AND COUNTY AUDITS
- Section 6—STATE AUDITOR RELIEVED OF CERTAIN ACCOUNTING AND AUDITING DUTIES
- Section 7—STATE BOARD OF ADMINISTRATION RELIEVED OF CERTAIN ACCOUNTING AND AUDITING DUTIES
- Section 8—BUDGET COMMISSION ABOLISHED
- Section 9—TRANSFERS OF PERSONNEL AND
9-A—APPROPRIATIONS AUTHORIZED
- Section 10—REPEAL OF DEFINITE AND INDEFINITE PERMANENT APPROPRIATIONS
- Section 11—TRANSMISSION OF THE BUDGET TO THE LEGISLATURE
- Section 12—FORM AND CONTENTS
- Section 13—ESTIMATES OF APPROPRIATIONS
- Section 14—ESTIMATES OF INCOME
- Section 15—TENTATIVE BUDGET
- Section 16—HEARINGS ON TENTATIVE BUDGET
- Section 17—FORMULATION OF THE BUDGET
- Section 18—SUPPLEMENTAL ESTIMATES
- Section 19—APPROPRIATIONS
- Section 20—ALLOTMENTS
- Section 21—DEPARTMENTAL AND INSTITUTIONAL RECEIPTS
- Section 22—LAPSING OF APPROPRIATIONS
- Section 23—CONTINGENCY AND EMERGENCY APPROPRIATION AND THE METHOD OF ITS USE
- Section 24—APPROPRIATIONS WRONGFULLY EXPENDED
- Section 25—PENALTIES AND PUNISHMENTS FOR VIOLATIONS
- Section 26—FISCAL YEAR
- Section 27—CONSTITUTIONALITY
- Section 28—REPEALING AND EFFECTIVE DATE CLAUSE

A BILL TO BE ENTITLED AN ACT

To better secure the administration of the financial affairs of the State and for that purpose to vest in the Governor certain powers and duties; to create the office, define the powers and duties and fix the salary of a State Comptroller; to provide for the transfer of the Department of Examiners of Accounts, its personnel, appropriations, records, equipment and other property, to the office of State Comptroller and to designate it as the Division of Depart-

mental and County Audits; to abolish the Budget Commission, and to transfer the books, property and equipment of the Budget Commission to the office of the Comptroller; to relieve the State Auditor of certain duties and to provide for the transfer of certain employees and of unexpended balance of appropriations made for the salaries, together with certain books, records, documents, papers, office furniture and equipment and other property to the office of State Comptroller; to relieve the Board of Administration of certain duties and to provide for the transfer of certain employees and of unexpended balance of appropriations made for the salaries, together with certain books, records, documents, papers, office furniture and equipment and other property to the office of the State Comptroller; to provide for the transfer of the Secretary of the Senate and Clerk of the House of Representatives to the State Comptroller's Office during such time as the Legislature is not in session; to repeal certain definite, indefinite and contingent permanent appropriations; to establish a State Budget System; to provide for the lapsing of appropriations; to provide for the transmission of the budget to the Legislature; to provide a method for securing estimates of appropriations and for estimates of income of the State; to provide a tentative budget and to provide for hearings on the same; to provide for transmission of the tentative budget to the Governor; to provide for prorating appropriations to prevent an overdraft or deficit in any fiscal year for which appropriations are made; to provide for allotting appropriations to departments, institutions, bureaus, boards, commissions and other state agencies; to provide emergency appropriations; to provide that money received by departments, institutions, bureaus, boards, commissions or other state agencies shall be deposited in the Treasury and to provide how the same shall be held and paid out; to prevent the wrongful expending of appropriations and to provide penalties and punishment; to establish a fiscal year for the State and all state agencies; to provide when this act shall go into effect and to provide for the repeal of certain laws in conflict with this act.

Be it enacted by the Legislature of Alabama:

Section 1.—TITLE OF ACT: This Act shall be known and may be cited as the Budget and Financial Control Act.

Section 2.—PURPOSES: It is the purpose of this Act to vest in the Governor of the State a direct and effective financial supervision over all agencies, departments, institutions, bureaus, boards, commissions and every State agency by whatsoever name now or hereafter called, including the same power and supervision over such private corporations, persons and organizations that may receive, pursuant to statute, any funds, either appropriated by, or collected for, the State of Alabama, or any of its departments, institutions, bureaus, boards, commissions, persons or corporations that receive or use State funds, provided that this Section shall not apply to county, district or municipal funds, or to departments,

institutions, bureaus, boards, commissions or other State agencies (except the Department of Agriculture and Industries, and State Board of Agriculture) to which no appropriation is made by the State; and for the initiation and preparation of a balanced budget of all revenues and expenditures for each session of the Legislature.

Section 3.—**CREATION OF THE OFFICE OF STATE COMPTROLLER:** There is hereby created an office to be known as "Office of State Comptroller", which shall be directly attached to the office of the Governor and shall be under the general direction, supervision and control of the Governor. Such office shall be in immediate charge of an officer to be known as "State Comptroller", who shall be appointed by the Governor and shall hold office at his pleasure and shall receive a salary not to exceed six thousand (\$6,000.00) dollars a year. Before entering upon the discharge of his duties, he shall take the Constitutional Oath of office and he shall give a surety bond in such penalty as may be fixed by the Governor, payable by the State of Alabama (but such penalty shall not be less than twenty-five thousand (\$25,000.00) dollars), conditioned upon the faithful discharge of his duties and upon which any person suffering damages may maintain an action in his own name for a breach thereof. The premium on his bond shall be paid out of the State Treasury.

Section 4.—**POWERS AND DUTIES OF STATE COMPTROLLER:** The State Comptroller shall have the power and authority to employ, with the approval of the Governor, such clerical assistants as he may find necessary, and he may reassign the duties of all of the personnel transferred to his department by this Act. He may fix the compensation, with the approval of the Governor, of any person employed by him and of any person transferred under the provisions of this Act, provided that the total amount paid in salaries shall not exceed the appropriation made for that purpose. He shall have authority to discharge any employee whether transferred by this Act or employed by him. The State Comptroller, in addition to the following enumerated duties and powers, shall perform and exercise all the duties and powers heretofore imposed or conferred by law upon (a) the Department of Examiners of Accounts, and (b) all those duties and powers now delegated by law and performed by the State Auditor as relate to bookkeeping and accounting and to the settlement of accounts and claims. He shall also exercise and perform such other powers and duties as may be prescribed by law. The specific duties of the State Comptroller shall be:

(1) To audit (a) all demands by the State, and (b) to pre-audit all accounts submitted for the issuance of warrants;

(2) To control (a) the payment of all moneys into the Treasury And (b) all payments from the treasury by the preparation of appropriate warrants, or warrant checks, directing such collections and payments;

(3) To prescribe all accounting and business forms and the system of accounts and reports of financial transactions by all departments and agencies of the State government other than those of the legislative branch;

(4) To keep the central budget and proprietary control accounts of the State Government. Budget accounts are those accounts maintained to control the receipt and disposition of all funds, appropriations and allotments. Proprietary accounts are those accounts relating to assets, liabilities, income and expense.

(5) To establish and fix a reasonable petty cash fund for each State department and/or institution for emergency purposes: **Provided**, that these revolving funds shall be reimbursed only upon vouchers approved by the State Comptroller.

(6) To prepare the budget document and draft the legislation to make it effective;

(7) To perform the necessary work involved in reviewing requisitions for allotments as are submitted to the Governor for approval;

(8) To make such investigations of the organization, activities and methods of procedure of the several departments, institutions, bureaus, boards, commissions and other State agencies as he may be called upon to make by the Governor or the Legislature;

(9) To furnish to any committee of either house of the Legislature having jurisdiction over revenues or appropriations such aid and information regarding the financial affairs of the government as it may request;

(10) To make such rules and regulations, subject to the approval of the Governor, as may be necessary for carrying on the work of the State Comptroller's office;

(11) To prepare and submit to the Governor on or before December 15th of each year, and the Legislature when in session, an annual report setting forth in detail and in summary form the financial condition and operation of the government; his recommendations concerning legislation needed to facilitate the work of his office; and such other reports as the Governor or the Legislature may from time to time require of him, and

(12) To perform such other duties as may be required to effectively control the financial operations of the government.

Section 5.—DEPARTMENT OF EXAMINERS OF ACCOUNTS TRANSFERRED TO OFFICE OF STATE COMPTROLLER AS A DIVISION OF DEPARTMENTAL AND COUNTY AUDITS: The Department of Examiners of Accounts, its personnel, its appropriations and all of its records, equipment and other property are hereby transferred to the office of State Comptroller, and shall hereafter be known as the "Division of Departmental and County Audits". This division, under the general

direction and control of the State Comptroller, shall have the power and be responsible for performing all those functions and duties enumerated in Section 37 of Act of September 9, 1927, No. 476 Acts of 1927, page 521; Article 1 of Chapter 55, and Chapter 24 of the Code, as amended by Act of July 15, 1931, No. 387, and Act of July 22, 1931, No. 490.

Section 6.—STATE AUDITOR RELIEVED OF CERTAIN ACCOUNTING AND AUDITING DUTIES: The State Auditor is hereby relieved of all duties in respect to the settlement of accounts, both receipts and disbursements, and the keeping of accounting records and of making financial reports now required of him by law. And, until otherwise provided, all employees, and the unexpended balances of appropriations made for salaries of such employees now engaged in the settlement of claims, both receipts and disbursements, and the keeping of bookkeeping and accounting records and the rendering of reports required by law, of which the State Auditor is hereby relieved shall be transferred to the Office of State Comptroller, together with all books, records, documents and papers pertaining to such accounts and reports and all office furniture, office equipment and other property no longer required by the State Auditor as the result of the curtailment of his duties provided for by this Section.

It is the purpose of this Section to relieve the State Auditor of all duties pertaining to the settlement of accounts and claims and the keeping of accounting records hereinabove transferred to the State Comptroller's Office in Section 4 hereof and as enumerated in The Revenue Laws of Alabama, 1929, Article 3 of Chapter 25 of the Code, and Sections 850, 851, 3133 and 3140 of the Code. And it is also the purpose of this Section to confine the State Auditor's duties: (a) To those enumerated in the Constitution and Sections 830, 831, 2778, 2933-74, 3178 and 3747 of the Code, as amended, and (b) to that of post-auditing the accounts and records of the Office of State Comptroller.

Section 7.—STATE BOARD OF ADMINISTRATION RELIEVED OF CERTAIN ACCOUNTING AND AUDITING DUTIES: The State Board of Administration is hereby relieved of all duties in respect to auditing all State claims and the maintenance of a central system of detail cost accounts for all warrant expenditures of the State government, and the personnel engaged in such work and the unexpended balances of appropriations made for salaries of the personnel engaged in such work are hereby transferred to the Office of the State Comptroller, together with all books, records, documents and papers pertaining to such accounts and reports, and all office furniture, office equipment and other property no longer required by the State Board of Administration as a result of the curtailment of its duties provided for by this section.

Section 8.—BUDGET COMMISSION ABOLISHED: The Budget Commission is abolished to take effect September 30, 1932. All sections of the Budget Law, Article 9 of Chapter 25 of the Code (Sections 906 to 919, both inclusive), are hereby repealed. All books, records, documents, papers pertaining to the work of the Budget Commission, and all furniture, office equipment and other property of the Budget Commission shall become the property of the State Comptroller's Office.

Section 9.—TRANSFERS OF PERSONNEL AND APPROPRIATIONS AUTHORIZED: The personnel required by the State Comptroller's Office, herein established, shall be transferred from the State Auditor's office, the State Board of Administration, and the Department of Examiners of Accounts, as hereinabove provided. The appropriations necessary for the payment of the salaries of such employees as are transferred to the Comptroller's Office are hereby transferred from the three offices named above as of the time the work of such examiners, accountants, bookkeepers and clerks are taken over by the State Comptroller. The salary of the State Comptroller is hereby transferred from the current annual appropriation of the Department of Examiners of Accounts. This provision shall apply until such time as specific appropriations are made for the State Comptroller's Office.

Section 9-A. The Secretary of the Senate and the Clerk of the House of Representatives are hereby transferred to the State Comptroller's Office and shall be employed by the Comptroller during such time as the Legislature is not in session and they are not employed in making up the Journal and completing the work for the Senate and House of Representatives respectively. The compensation of said Secretary of the Senate and Clerk of the House to be fixed by the Comptroller and paid as other salaries out of the appropriation for that Department.

Section 10.—REPEAL OF DEFINITE, INDEFINITE AND CONTINGENT PERMANENT APPROPRIATIONS: All permanent appropriations, definite, indefinite, and contingent in amount, except those provided in the Constitution and those provided in existing statutes in payment of interest on indebtedness arising out of the disposition of lands donated to State institutions by the Federal Congress, heretofore made to any department, institution, bureau, board, commission or other State agency, are hereby repealed as of the close of the fiscal year ending September 30, 1932; **Provided** that this section shall not become effective until the Legislature enacts current annual appropriations, including per capita appropriations for all eleemosynary and correctional institutions and the Alabama School for Deaf and Blind, for definite amounts that may be expended (after allotments by the Governor as provided for in Section 20) by such departments, institutions, bureaus, boards, commissions and other State agencies for the three remaining fiscal years of the current quadrennium ending on the 30th of September 1933, 1934 and 1935.

THE BUDGET

Section 11.—TRANSMISSION OF THE BUDGET TO THE LEGISLATURE: Not later than February fifteenth of the year of each quadrennial legislative session, the Governor shall transmit to the Legislature a document to be known as a budget setting forth his financial program for each of the fiscal years of the ensuing quadrennium and having the character and scope hereinafter set forth.

Section 12.—FORM AND CONTENTS: The budget shall consist of three parts, the nature and contents of which shall be as follows:

Part I shall consist of the Governor's budget message, in which he shall set forth:

(1) His program for meeting all the expenditure needs of the government for each of the years of the quadrennium to which the budget relates, indicating the classes of funds, general or special, from which such appropriations are to be made and the means through which such expenditures shall be financed;

(2) Financial statements giving in summary form:

(a) The condition of the treasury at the end of the last completed fiscal year, the estimated condition of the treasury at the end of the year in progress, and the estimated condition of the treasury at the end of each of the four years to which the budget relates if his budget proposals are put into effect;

(b) Statements showing the bonded indebtedness of the government, debt authorized and unissued, debt redemption and interest requirements and condition of the sinking funds, if any;

(c) A summary of appropriations recommended for each of the years of the quadrennium to which the budget relates for each department, institution, bureau, board, commission and other State agency and for the government as a whole, in comparison with the actual expenditures for the three last completed fiscal years and the estimated expenditures for the year in progress;

(d) A summary of the revenue, classified according to sources, estimated to be received by the government during each of the four years of the quadrennium to which the budget relates, in comparison with the actual revenue received by the government during each of the three last completed fiscal years and estimated income during the year in progress, and

(e) Such other financial statements, data and comments as in his opinion are necessary or desirable in order to make known in all practicable detail the financial condition and operation of the government and the effect that the budget as proposed by him will have on such condition and operations.

If the estimated revenues for the ensuing quadrennium plus the estimated amounts in the Treasury at the close of the quadrennium in progress are less than the aggregate appropriations recommended for the ensuing quadrennium as contained in the budget, the Governor shall make recommendations to the Legislature in respect to the manner in which such deficit shall be met, whether by the imposition of new taxes, increased rates in existing taxes or otherwise; and if the revenues are more than the aggregate appropriations recommended, he shall make such recommendations in reference to the application of such surplus to the reduction of debt, to the reduction in taxation or to such other action as in his opinion is in the public interest.

Part II shall present in detail for each of the four years of the ensuing quadrennium his recommendations for appropriations to meet the expenditure needs of the government from each general class of funds, in comparison with actual expenditures for each of said purposes during the three last completed fiscal years and estimated expenditures for the year in progress, classified by departments, institutions, bureaus, boards, commissions and other State agencies and indicating for each the appropriations recommended for:

(a) Meeting the cost of administration, operation and maintenance. Each item of expenditure, actual or estimated, and appropriations recommended shall be supported by detailed statements showing the actual and estimated expenditures and appropriations classified according to a standard scheme of classification to be prescribed by the State Comptroller. And,

(b) Meeting the cost of the purchase of land, public improvements and other capital outlays in connection therewith.

Part III shall embrace a draft or drafts of appropriation bills having for their purpose to give legal sanction to the appropriations recommended to be made in Parts I and II. Such appropriation bills shall indicate the funds, general or special, from which such appropriations shall be made, but such appropriations need not be in greater detail than to indicate the total appropriation to be made for:

(a) Administration, operation and maintenance for each fiscal year of the quadrennium, and

(b) The cost of land, public improvements and other capital outlays, itemized by specific projects or classes of projects of the same general character.

Section 13.—ESTIMATES OF APPROPRIATIONS: On, or before, October first next prior to each quadrennial legislative session, all departments, institutions, bureaus, boards, commissions and other State agencies shall transmit to the State Comptroller on blanks to be furnished by him, estimates of their expenditure requirements for each fiscal year of the ensuing quadrennium, classified so as to distinguish between expenditures estimated for (a)

administration, operation and maintenance, and (b) the cost of each project involving the purchase of land or the making of a public improvement or capital outlay of a permanent character, together with such supporting data and explanations as may be called for by the State Comptroller. In case of the failure of any department, institution, bureau, board, commission or other State agency to submit such estimates within the time above specified, the Governor shall cause to be prepared such estimates for such department, institution, bureau, board, commission or other State agency as in his opinion are reasonable and proper.

Section 14.—ESTIMATES OF INCOME: On, or before, October 1st next prior to each quadrennial legislative session, the State Comptroller shall prepare an estimate of the total income of the government for each fiscal year of the ensuing quadrennium, in which the several items of income shall be listed and classified according to source or character and by departments, institutions, bureaus, boards, commissions and other State agencies producing said funds and brought into comparison with the income actually received during the three last completed fiscal years and the estimated income to be received during the year in progress.

Section 15.—TENTATIVE BUDGET: Upon the receipt of the estimates of expenditure requirements called for by Section 13 and the preparation of the estimates of income called for by Section 14, and not later than November first next succeeding, the State Comptroller shall cause to be prepared a tentative budget conforming as to scope, contents and character to the requirements of Section 12 and containing the estimates of expenditure and revenue as called for by Sections 13 and 14, which tentative budget shall be transmitted to the Governor.

Section 16.—HEARINGS ON TENTATIVE BUDGET: Upon the receipt by him of the tentative budget provided for by the preceding section, the Governor shall make provision for public hearings thereon not later than the ensuing month of December to which he shall extend invitations and may require the attendance of the heads and other officers of all departments, institutions, bureaus, boards, commissions and other State agencies and other persons receiving or requesting State funds, and the giving by them of such explanations and suggestions as they may be called upon to give or as they may desire to offer in respect to items of requested appropriations in which they are interested. The Governor shall also extend invitations to the Governor-elect, the State Comptroller, the Chairman of the Appropriations Committee of the House and the Chairman of the Finance and Taxation Committee of the Senate of the preceding Legislature, to be present at such hearings and to participate in the hearings through the asking of questions or the expression of opinion in regard to the items of the tentative budget. The Chairman of the committee so mentioned, while sitting at such hearings, shall hold the office of budget ad-

visors and shall receive a per diem of ten dollars and expenses for each day in attendance at such hearings. If either chairman shall be unable to sit, the next ranking member of his committee shall act in his place and receive the same compensation and expenses.

Section 17.—**FORMULATION OF THE BUDGET:** Following his inauguration, the Governor shall proceed to the formulation of the budget provided for by Sections 11 and 12. In doing so he shall give such weight to the estimates of income as prepared by the State Comptroller, and to the estimates of expenditure requirements as submitted by the departments, institutions, bureaus, boards, commissions and other State agencies and to the testimony elicited at the hearings thereon as he deems proper, but the proposals contained in the budget shall represent his judgment and recommendations in respect to the provision to be made for meeting the revenue and expenditure needs of the government of each of the fiscal years of the ensuing quadrennium.

Section 18.—**SUPPLEMENTAL ESTIMATES:** The Governor shall transmit to the Legislature supplemental estimates for such appropriations as in his judgment may be necessary on account of laws enacted after the transmission of the budget, or as he deems otherwise in the public interest. He shall accompany such estimates with a statement of the reasons therefor, including the reasons for their omission from the budget. Whenever such supplemental estimates amount to an aggregate which, if they had been contained in the budget, would have required the Governor to make a recommendation for the raising of additional revenue, he shall make such recommendation.

EXECUTION OF THE BUDGET

Section 19.—**APPROPRIATIONS:** The appropriations made shall not be available for expenditure until allotted as provided for in Section 20, except as may be otherwise provided in this Act. All appropriations now or hereafter made are hereby declared to be maximum, conditional and proportionate appropriations, the purpose being to make the appropriations payable in full in the amounts named only in the event that the estimated budget resources during each fiscal year of the quadrennium for which such appropriations are made, are sufficient to pay all of the appropriations in full; the Governor shall restrict allotments to prevent an overdraft or deficit in any fiscal year for which appropriations are made by prorating without discrimination against any department, institution, commission or other State agency, the available revenues among the various departments, institutions, bureaus, boards, commissions and other State agencies. In other words, the said appropriations shall be payable in such proportion as the total sum of all appropriations bears to the total revenues estimated by the Governor as available in each of said fiscal years. The purpose of this provision is to insure that there shall be no overdraft or deficit

in the several funds of the State at the end of a fiscal year, and the Governor is directed and required to so administer this Act as to prevent any such overdrafts or deficits.

Section 20.—ALLOTMENTS: Before an appropriation for administration, operation and maintenance of any department, institution, bureau, board, commission or other State agency shall become available, there shall be submitted to the Governor, not less than twenty days before the beginning of each quarter of each fiscal year, a requisition for an allotment of the amount estimated to be necessary to carry on its work during the ensuing quarter. Such requisition shall contain details, or proposed details, as may be required by the Governor. The Governor shall approve such allotments, or modifications thereof, as he may deem necessary, but the total amount of annual appropriations to any department, institution, or agency shall not be reduced except proportionately as provided for in Section 19, and shall submit copies of the allotments thus approved to the head of the department, institution, bureau, board, commission or other State agency concerned and to the State Comptroller who shall set up such allotments on his books and be governed accordingly in his control of expenditures. Allotments of appropriations made for land, permanent improvements, and other capital projects may, however, be allotted in one amount by major classes or projects for which they are expendable without regard to quarterly periods. Allotments thus made may be subsequently modified by the Governor, either upon the written request from the head of the department, institution, bureau, board, commission or other State agency concerned or upon his own initiative; and notice of such modification shall be given in the same way as in the case of original allotments.

Section 21.—DEPARTMENTAL, AND INSTITUTIONAL RECEIPTS: All appropriations made to any department, institution, bureau, board, commission or other State agency as receive or collect moneys available for expenditure by them, are declared to be in addition to such receipts and such appropriations are to be available as and to the extent that such receipts are insufficient to meet the costs of administration, operation and maintenance of such departments, institutions, commissions and other agencies: Provided, however, that all such departments, institutions, bureaus, boards, commissions or other State agencies, shall deposit all money received or collected, available for expenditure by them, in any bank or banks in the State of Alabama, which have been duly designated and qualified as State depositories, in the name of the State of Alabama, for the use of such department, institution, bureau, board, commission or other State agency, and such funds shall be available only on the check of such department, institution, bureau, board, commission or other State agency depositing them, which is hereby authorized to withdraw such funds at its discretion. Such funds shall not be subject to any allotment under

this Act or taken into consideration in making any allotment or prorating of appropriations under this Act; and provided further that all moneys required to be paid into the Treasury shall be kept intact, liquid and in trust, subject only to the requisition of agencies paying them into the Treasury, and provided further, that this Act shall not apply to endowment and trust funds or to gifts to institutions owned or controlled by the State or to the income from such endowment and/or trust funds, or to private funds belonging to students or inmates of State institutions, or to the receipts of any department, institution, bureau, board, commission, or other State agency (except the department of Agriculture and Industries, and State Board of Agriculture) to which no appropriation is made by the State.

Section 22.—LAPSING OF APPROPRIATIONS: All unencumbered balances of administration, operation and maintenance appropriations shall revert to the State Treasury at the end of each fiscal year of a given quadrennium and to the credit of the General Fund or special funds from which the appropriation and/or appropriations were made; appropriations for the purchase of land or the erection of buildings or new construction shall continue in force until the attainment of the object or the completion of the work for which such appropriations are made.

Section 23.—EMERGENCY APPROPRIATIONS AND THE METHOD OF THEIR USE: To the end that all expenses of the State may be brought and kept within the budget, the budget appropriation bills shall contain a specific sum and/or sums as an emergency appropriation and/or appropriations. The manner of allotment of such emergency appropriations shall be as follows:

Any department, institution, bureau, board, commission or other State agency, or any activity in which the State is interested, desiring an allotment out of such appropriation, shall present such request in writing to the Governor with such information as he may require and if the Governor shall approve such request, in whole or in part, he shall allow and order the allotment to be made. Such allotments shall be for any purpose authorized by law for which no specific appropriation is made or for which inadvertently an insufficient appropriation has been made.

The expenses incident to the creation and establishment of the Office of State Comptroller, including such bookkeeping and accounting machines as may be required by the Treasurer's Office and the Comptroller's Office, shall be paid out of the Governor's Contingent Fund, or out of the Emergency Appropriation when such appropriation is passed, unless and until an appropriation is made specifically for the Comptroller's Office.

Section 24.—APPROPRIATIONS WRONGFULLY EXPENDED: It shall be unlawful for any trustee, commissioner, director, manager, building committee, or other officer or person connected with any department, institution, bureau, board, com-

mission or other State agency, to which an appropriation is made, to expend any appropriation for any purpose other than that for which the money was appropriated, budgeted and allotted, or to consent thereto. If the Governor shall ascertain that any department, institution, bureau, board, commission or other State agency has used any of the moneys appropriated to it for any purpose other than that for which the money was appropriated, budgeted and allotted and not in strict accordance with the terms of this Act, the Governor shall have the power and he is hereby authorized to suspend all appropriations and allotments to such department, institution, bureau, board, commission or other State agency until and after such amounts diverted or wrongfully expended have been replaced.

Section 25.—PENALTIES AND PUNISHMENTS FOR VIOLATIONS: That a willful and knowing refusal to perform any of the requirements of this Act and a willful and knowing refusal to perform any rule or requirement or request of the Governor and/or the State Comptroller made pursuant to or under authority of this Act, by any trustee, commissioner, director, manager, building committee or other officer or person connected with any department, institution, bureau, board, commission or other State agency, shall subject the offender to a penalty of two hundred and fifty (\$250.00) dollars to be recovered in an action instituted in the Circuit Court of Montgomery County by the Attorney General for the use of the State of Alabama and shall also constitute a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court, and shall subject such offender to dismissal from office by the person or agency under whom such offender holds office or appointment; and if such offender be an officer elected by vote of the people, such offense shall be sufficient cause to subject the offender to impeachment.

That a refusal to perform any requirements of this Act, or an improper or illegal performance of this Act will subject the State Comptroller to a penalty of five hundred (\$500.00) dollars to be recovered in an action instituted in the Circuit Court of Montgomery County by the Attorney General for the use of the State of Alabama, and shall also constitute a felony. If the Governor refuses to perform any of the requirements of this Act, or improperly or illegally performs the requirements of this Act, he shall be subject to impeachment.

Section 26.—FISCAL YEAR: The fiscal year of the government shall commence on the first day of October and end on the thirtieth day of September. This fiscal year shall be used for purposes of making appropriations and of financial reporting and shall be uniformly adopted by all departments, institutions, bureaus, boards, commissions and other State agencies.

Section 27.—CONSTITUTIONALITY: If any section or provision of this Act is declared unconstitutional, it shall not affect the remaining sections or provisions.

Section 28.—**REPEALING AND EFFECTIVE DATE CLAUSE:** All laws and parts of laws in conflict with this Act are hereby repealed, subject, however, to the following express provision: Inasmuch as this law and the concurrently enacted State Auditor's Act provide a new system in respect of the matters covered thereby to take the place of the system now in use, any of the matters covered by this law may in whole or in part, but only with the approval of the State Comptroller (when he shall have been appointed), be dealt with in accordance with the system now in use until provision shall have been made to deal with such matters in accordance with such new system; it being intended by this Section to enable the new system to be established in a gradual and orderly manner and without undue disturbance of the administrative functions of the government: Provided, however, that the system of budgeting and of making allotments of all appropriations shall become effective October 1, 1932; and **Provided further**, that the new system of central budget and proprietary accounting and reporting provided by this law, and the Act defining the new duties of the State Auditor, shall in all respects be placed in full operation on or before February 1, 1933.

Mr. Warren offered the following amendment to said substitute to-wit:

Amend Section 19 of Substitute for Senate bill No. 87 by adding immediately after the words, "all appropriations now or hereafter made "where same first appear therein together, the following words: "Except per capita appropriations now in force or hereafter made to Eleemosynary and Correctional Institutions and the Alabama School for deaf and blind at Talladega, Alabama, which appropriations shall remain in full force and effect and payable and disbursed as now provided by law."

Mr. Fletcher moved to table the amendment, which was lost.

Yeas, 13; nays, 19.

Yeas:

Messrs.:

Caffey
Edmundson
Farmer
Faulk

Fletcher
Hooton
Jordan

Kelley
Lapsley
McDaniel

Millsap
Powell
Walker

—13

Nays:

Messrs.:

Beasley
Bonner
Brown
Cooper
Cowart

Craft
Darden
Delony
Duncan
Garrett

Goodwin
Hubbard
McDowell
Mullins
Riddle

Scruggs
Teasley
Warren
Wikle

—19

PAIR ANNOUNCED

Mr. Bartlett announced that he and Mr. Hildreth were paired on this vote; that Mr. Hildreth, if present, would vote nay and he, Mr. Bartlett, would vote yea.

The question then recurred on the adoption of the amendment offered by Mr. Warren, and the amendment was adopted.

Yeas, 19; nays, 13.

Yeas:

Messrs.:

Beasley	Craft	Goodwin	Scruggs
Bonner	Darden	Hubbard	Teasley
Brown	Delony	McDowell	Warren
Cooper	Duncan	Mullins	Wikle
Cowart	Garrett	Riddle	

—19

Nays:

Messrs.:

Caffey	Fletcher	Kelley	Millsap
Edmundson	Hooton	Lapsley	Powell
Farmer	Jordan	McDaniel	Walker
Faulk			

—13

PAIR ANNOUNCED

Mr. Bartlett announced that he and Mr. Hildreth were paired on this vote; that Mr. Hildreth, if present, would vote yea and he, Mr. Bartlett, would vote nay.

Pending the further consideration of said substitute:

RECESS

At 1:30 P. M., on motion of Mr. Darden, the Senate took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION—FOURTEENTH DAY

Tuesday, September 20th, 1932.

The Senate re-assembled at 3 o'clock P. M., Lieutenant-Governor Merrill, presiding.

ROLL CALL

On a call of the roll of the Senate, the following members answered to their names, a quorum of the Senate:

Messrs.:

Bartlett	Delony	Hooton	Mullins
Beasley	Duncan	Hubbard	Powell
Bonner	Edmundson	Jordan	Riddle
Brown	Farmer	Kelley	Scruggs
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden			

—33

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 1. To amend Section One of An Act approved January 28th, 1927, and entitled, "An Act to provide for the expenses incurred by members of the Legislature of Alabama while in attendance upon sessions of the Legislature."

And returns same herewith to the Senate.

J. H. Stewart, Clerk.

HOUSE MESSAGE

On motion of Mr. Mullins, the Senate non-concurred in the following amendment by the House to S. 1, the title of which is set out in the foregoing message of the House to-wit:

Amend S. B. No. 1 by striking out the words and figures "Two Dollars (\$2.00)" and insert in lieu thereof the words and figures "Three Dollars (\$3.00)."

And requests a Committee of Conference.

Yeas, 31; nays, 2.

Yeas:

Messrs.:

Bartlett	Darden	Goodwin	Powell
Beasley	Delony	Hubbard	Riddle
Bonner	Duncan	Jordan	Scruggs
Brown	Edmundson	Kelley	Teasley
Caffey	Farmer	Lapsley	Walker
Cooper	Faulk	McDowell	Warren
Cowart	Fletcher	Millsap	Wikle
Craft	Garrett	Mullins	

—31

Nays: Messrs. Hooton and McDaniel

—2

And the President of the Senate appointed as conferees on part of the Senate, Messrs. Mullins, Walker and Powell.

Mr. McDowell moved to instruct the conferees to insist on \$4.00 per day.

Mr. Powell moved to table the motion of Mr. McDowell, which motion prevailed.

Yeas, 24; nays, 6.

Yeas:

Messrs.:

Beasley	Darden	Goodwin	Mullins
Bonner	Delony	Hubbard	Powell
Brown	Farmer	Lapsley	Riddle
Caffey	Faulk	Jordan	Walker
Cooper	Fletcher	Kelley	Warren
Cowart	Garrett	Millsap	Wikle

—24

Nays:

Messrs.:

Bartlett

Craft

Duncan

Hooton

McDowell

Scruggs

—6

UNFINISHED BUSINESS

The Senate proceeded to consider the unfinished business of the morning session, which was the bill:

S. 87. To provide for a State budget system and the transmission of a budget to the Legislature; to establish financial control over all State financial operations; to centralize disbursements of all State funds; to vest in the Governor a direct and effective supervision of all departments and establishments and every State agency by whatever name now or hereafter called; to require the Governor to initiate, prepare and maintain a balanced budget; to establish a uniform fiscal year for all State departments and establishments; to establish regulations with reference to appropriations; to prohibit the submission of estimates by departments direct to the Legislature; to provide that appropriations shall not be made available for expenditure until allotted by the Governor; to declare that appropriations now or hereafter made are to be maximum, conditional and proportionate appropriations; to direct and require that the Governor so administer this Act as to prevent any overdrafts or deficits in any fiscal year; to direct that all departmental receipts other than private trust funds shall be deposited in the State Treasury and be not available for expenditure until allotted by the Governor; to direct that all unencumbered balances of administration, operation and maintenance appropriations shall revert to the State Treasury at the end of each fiscal year; to provide that appropriations for capital expenditures for the purchase of land or the erection of buildings or new construction shall continue in force until the attainment of the object or the completion of the work for which such appropriations are made; to repeal all laws making permanent appropriations, definite and indefinite in amount, heretofore made to any State department, institution and establishment; to authorize transfers of appropriations; to vest investigatory powers in the Governor and the proposed State Comptroller; to create the office of State Comptroller; to define the powers and duties of the State Comptroller; to transfer the Department of Examiners of Accounts to the Office of State Comptroller; to relieve the State Auditor of certain accounting and auditing duties; to relieve the State Board of Administration of certain accounting and auditing duties, of all purchasing duties, of the duties of keeping inventories and the sale of furniture or fixtures, and the care and custody of State property as required in Sections 42 to 51, both inclusive, of the Code of 1923, or by any other provision of law, of administering the State insurance and State Insurance Fund, and advertising for and letting contracts for public printing; to abolish the State Budget Commission; to authorize transfers of appropria-

tions to pay salaries of State Comptroller and accounting and clerical assistants; to make an appropriation for printing, installation expenses and operating supplies of State Comptroller's Office; to repeal all code sections and all Acts or parts of Acts in conflict with this Act; and to fix penalties and punishments for violations of this Act.

And the committee substitute offered therefor by the Committee on Finance and Taxation, as amended by the amendment of Mr. Warren, both said substitute and the amendment of Mr. Warren being set out at length in the Journal of the morning session.

Mr. Lapsley offered the following amendment to said substitute:

Amend substitute to Senate bill 87 as follows:

Amend said substitute by striking out of Sections 2 and 21 the following words where they appear therein, namely: "(except the Department of Agriculture and Industries, and State Board of Agriculture)"

Mr. Teasley moved to table the amendment, which motion prevailed and the amendment was laid on the table.

Yeas, 27; nays, 5.

Yeas:

Messrs.:

Bartlett	Delony	Goodwin	Powell
Beasley	Duncan	Hooton	Riddle
Bonner	Edmundson	Hubbard	Scruggs
Brown	Farmer	Jordan	Teasley
Caffey	Faulk	Kelley	Walker
Cooper	Fletcher	McDaniel	Wikle
Darden	Garrett	Millsap	

—27

Nays:

Messrs.:

Cowart	Lapsley	McDowell	Mullins
Craft			

—5

Mr. Bonner offered the following amendment to said substitute, to-wit:

Amend the title to said bill by adding after the word "Governor" in second line thereof the words "Auditor and Attorney General."

Amend sections 2, 3, 4, 11, 12, 13, 16, 18, 19, 20, and 24 of said bill by adding after the word "Governor" wherever it appears in either of said sections the words "Auditor and Attorney General."

On motion of Mr. Jordan, said amendment was laid on the table.

Mr. Riddle offered the the following amendment to said substitute, to-wit:

Amend Section 10 of substitute for Senate bill No. 87 by adding at the end thereof the following words:

"Provided further that this section does not repeal any appropriation for the purchase of or payment for land for the Alabama

School for deaf and blind and improvements where such land has been purchased and is not fully paid for."

On motion of Mr. Lapsley, said amendment was laid on the table.

Yeas, 28; nays, 5.

Yeas:

Messrs.:

Bartlett	Edmundson	Hubbard	Mullins
Beasley	Farmer	Jordan	Powell
Brown	Faulk	Kelley	Scruggs
Caffey	Fletcher	Lapsley	Teasley
Cooper	Garrett	McDaniel	Walker
Craft	Goodwin	McDowell	Warren
Delony	Hooton	Millsap	Wikle

—28

Nays:

Messrs.:

Bonner	Darden	Duncan	Riddle
Cowart			

—5

And said substitute, as thus amended was then adopted.

Yeas, 27; nays, 4.

Yeas:

Messrs.:

Bartlett	Edmundson	Kelley	Riddle
Beasley	Farmer	Lapsley	Scruggs
Brown	Fletcher	McDaniel	Teasley
Caffey	Garrett	McDowell	Walker
Cooper	Goodwin	Millsap	Warren
Darden	Hubbard	Mullins	Wikle
Delony	Jordan	Powell	

—27

Nays: Messrs.: Bonner, Cowart, Duncan and Faulk

—4

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 3.

Yeas:

Messrs.:

Bartlett	Delony	Jordan	Powell
Beasley	Edmundson	Kelley	Riddle
Brown	Farmer	Lapsley	Scruggs
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hooton	Mullins	Wikle
Darden	Hubbard		

—30

Nays: Messrs.: Bonner, Duncan and Faulk

—3

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Swift (with notice and proof):

H. 308. To relieve the Tax Assessor of Escambia County, Alabama, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order, according to beats, the original assessments lists and have the same permanently bound and kept as a permanent record and prepare the Tax Collector's abstracts from said assessment lists and to repeal all laws in conflict herewith.

With notice and proof thereto attached and herewith exhibited as follows:

PUBLIC NOTICE

Notice is hereby given that the following Bill will be introduced at the Special Session of the Legislature of Alabama which will convene on August 16th, 1932:

A BILL TO BE ENTITLED AN ACT

To relieve the Tax Assessor of Escambia County, Alabama, from the duty of preparing a book of Assessments, and in lieu thereof to arrange in alphabetical order, according to Beats, the original assessments lists and have the same permanently bound and kept as a permanent record and prepare the Tax Collector's abstracts from said assessment lists and to repeal all laws in conflict herewith.

Be it enacted by the Legislature of Alabama:

Section 1. That the Tax Assessor of Escambia County, Alabama, shall not be required to prepare the book of assessments, but in lieu thereof shall be required to arrange in alphabetical order, according to Beats, original assessments lists and cause the same to be permanently bound, and such lists when bound shall constitute the book of assessments to all intents and purposes. Such assessment lists when bound shall be preserved permanently as a matter of record, and provided that in making the Tax Collector's Abstract such abstract shall be made direct from the assessment lists.

Section 2. That all laws and parts of laws, whether general, special, or local, in conflict with the provisions of this Act be and the same are hereby repealed.

Section 3. That this act shall be effective and become a law immediately upon its passage and approval by the Governor.

PROOF OF PUBLICATION.

State of Alabama, Escambia County:

I, W. E. Brooks, publisher of The Brewton Standard, a newspaper published at Brewton in said County and State, hereby state under oath that the annexed printed clipping was taken from one of the original issues of said publication and that the words and figures embraced therein appeared in said newspaper for four consecutive weeks on the following dates: August 11, 1932; August 18th, 1932; August 25, 1932; and September 1, 1932.

W. E. BROOKS.

Sworn to and subscribed before me this 6th day of September, 1932.

MERLE COLQUITT,

(Seal)

Notary Public.

Also:

By Mr. Key (with notice and proof):

H. 333. To amend an act entitled "An act to fix and regulate the fees of State witnesses in criminal cases in the Law and Equity Court and Circuit Court of Franklin County, Alabama, and before the Grand Jury of said county, and to provide for the payment thereof, and to provide for the collection of witness fees from defendants convicted and for the disposition of same," approved July 9th, 1927.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

is hereby given that in the special session of the Legislature of Alabama, which will convene on August 16th, 1932, the following bill will be offered for passage:

A BILL TO BE ENTITLED AN ACT

To amend an act entitled "An act to fix and regulate the fees of State witnesses in criminal cases in the Law and Equity Court and Circuit Court of Franklin County, Alabama, and before the Grand Jury of said county, and to provide for the payment thereof, and to provide for the collection of witness fees from defendants convicted and for the disposition of same," approved July 9th, 1927.

Be it enacted by the Legislature of Alabama:

That an act entitled "an act to fix and regulate the fees of State witnesses in criminal cases in the Law and Equity Court and Circuit Court of Franklin County, Alabama, and before the Grand Jury of said county, and to provide for the payment thereof, and to provide for the collection of witness fees from defendants convicted and for the disposition of same," approved July 9th, 1927 (Local Acts of Alabama, 1927, Page 65) be, and the same is hereby amended so as to read as follows:

Section 1. That witnesses in criminal cases in the Law and Equity Court of Franklin County, Alabama, except in preliminary hearings, and in the Circuit Court of said county and before the Grand Jury of said county, are entitled to one dollar per day and five cents per mile to and from their residence by the route usually traveled.

Section 2. The fees of such witnesses subpoenaed on the part of the State to appear in the Law and Equity Court, except in preliminary hearings, or in the Circuit Court, or before the Grand Jury, and the fees of officers of the courts in criminal cases in which the State fails, and as enumerated in the Act approved Feb. 18th, 1927 (General Acts of Alabama, 1927, page 45) shall be claims against the fine and forfeiture fund of said county, and shall be paid by the Treasurer of said county from said fund in the order of their presentment. Provided if said fund is exhausted at the time of the presentment of the certificates for said fees, then such certificates for said fees shall be registered by the County Treasurer, and shall be paid by him in the order of their registration from such fund.

Section 3. That all witness fees mentioned under section 2 of this Act, when collected by the clerk of the court, shall be paid by him into the fine and forfeiture fund of said county, and provided further, that the fees of witnesses shall be collected by said clerk as now provided by law.

Section 4. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Section 5. This act shall take effect upon January 1st, 1933.

State of Alabama, }
Franklin County. }

Before me, M. C. Hester, Clerk Circuit Court, in and for said State and County, personally appeared M. S. Hansbrough, publisher of the Franklin County Times, a newspaper published in Russellville, Franklin County, Alabama, who being sworn, deposes and says that the notice hereto attached was published in the Franklin County Times in its issues of August 11th, 18th, 25th, and Sept. 1st, 1932.

M. S. HANSBROUGH,

Publisher.

Subscribed and sworn to before me this, the 2nd. day of Sept., 1932.

M. C. HESTER,

(Seal)

Clerk Circuit Court, Franklin County, Ala.

Also:

By Mr. Sanderson:

H. 300. To amend Section One of an act entitled "An Act to provide for the suspension of imposition or execution of sentences and the placing of defendant upon probation; and to prescribe and give power to the State Courts to suspend imposition or execution of sentences and to place defendant upon probation and to give said Courts power of revocation and modification of probation; and to prescribe the duties of probationers, passed July 14, 1931.

Also:

By Mr. McGowin:

H. 289. To provide that the liabilities now existing and which were incurred prior to September 30, 1927, for the erection and equipment of public school buildings in towns of less than twenty-five hundred population may be absorbed by, and become obligations of, the County Boards of Education in the State of Alabama.

Also:

By Mr. Yerby:

H. 98. To declare it unlawful to name, call or designate any building, bridge, or other structure or any institution, constructed, erected, maintained or financed, in whole or in part, by the State of Alabama after any person whomsoever then living; provided the Act shall not apply to buildings, bridges, or other structures or institutions now existing.

Also:

By Mr. Allen:

H. 345. To provide that where an adjoining city has been annexed by vote of the people or otherwise to any class "D" city as defined in an act of the Legislature approved March 6, 1931, and published in general acts of Alabama, 1931, on page 174 et seq, that a commissioner for the consolidated city be elected by the qualified electors residing within the former corporate limits of such annexed city; to fix the time for such election and the manner of holding the same; and to further provide that such commissioner so elected shall hold office until the first Tuesday in October, 1934, and that no successor shall be elected to succeed

such commissioner; and to provide that this act shall not be in force after the first Tuesday in October, 1934; and to fix the duties, powers and compensation of such commissioner so elected.

And sends same herewith to the Senate.

J. H. Stewart, Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate standing committees as follows:

H. 308, H. 333, and H. 345, to the Committee on Local Legislation.

H. 300, to the Committee on Judiciary.

H. 289, to the Committee on Education.

H. 98, to the Committee on Public Roads and Highways.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Morrow:

H. 213. To amend Section 9022 of the Code of Alabama of 1923.

And sends same herewith to the Senate.

J. H. Stewart, Clerk.

HOUSE MESSAGE

The House bill in the foregoing house message was read once and referred to appropriate standing committee as follows:

H. 213, to the Committee on Revision of Laws.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 102. To amend Section 4195 (6964) of the 1923 Code of Alabama.

J. H. Stewart, Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. No. 54. Relative to the adjournment of the two Houses until Thursday, September 22, 1932.

And returns same herewith to the Senate.

J. H. Stewart, Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the fourteenth Legislative Day, and finds same correct and containing all original entries and references thereto required by the Constitution.

Respectfully submitted,

Hubert Farmer, Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read, and, on motion of Mr. Farmer, said report was concurred in and the Journal of the Senate for the fourteenth Legislative Day, approved by the Senate.

ADJOURNMENT

At 4:40 P. M., on motion of Mr. Mullins and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Thursday, September 22nd, 1932, at 10 A. M.

FIFTEENTH DAY

Thursday, September 22nd, 1932

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

By Dr. Richard Wilkerson of Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

JOURNAL

On motion of Mr. Shepherd, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Powell:

S. 175. To relieve the Tax Assessors of all the Counties in the State of Alabama, where there are no local laws providing to the contrary, from the duty of preparing a book of Assessments, and in lieu thereof to arrange in alphabetical order, according to Beats, the original assessment lists, and have same permanently bound and kept as a permanent record, and prepare the Tax Collector's abstracts from said assessment lists, and to repeal all laws in conflict herewith except local laws.

Committee on Revision of Laws.

By Mr. Teasley:

S. 176. To appropriate the sum of Thirty-five Hundred Dollars for the relief of Mrs. Myrtle Downey.

Committee on Finance and Taxation.

By Mr. Scruggs:

S. 177. For the relief of Joe Ferguson and to make an appropriation for the relief of Joe Ferguson who served in the State Militia during the year 1924, and while in the line of duty at Camp McClellan, Alabama at the annual encampment was accidentally shot through the left hand with a pistol which caused him great pain and expensive doctor bills, and the total loss of time for several months, together with a deformed hand for life; to create a Commission or Committee composed of the Governor, Attorney General and the Adjutant General of the State of Alabama to adjudicate his said claim and to pay him on the merits of the same from evidence that may be furnished in the form of affidavits and other reliable sources; and to provide that the amount of such compensation shall not exceed Twelve Hundred Dollars.

Committee on Finance and Taxation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

An Act—For the relief of Joe Ferguson, who served in the state militia in the year 1924 and while in line of duty at Camp McClellan, Ala., at the annual encampment, the said Joe Ferguson was accidentally shot through the left hand with a pistol, which caused him great pain, and expensive doctors bill and the total loss of time for several months together with a deformed hand for life.

The public will take notice that the said Joe Ferguson will ask the extra session of the Legislature, which is to convene on or about August 16th, 1932, to pass a bill appointing the Governor, the Attorney General of the State and the Adjutant General of the State of Alabama as a committee to adjudicate his claim and pay him on the merits of same from evidence that may be furnished in the form of affidavits and other reliable sources.

That this notice shall run in the Guntersville Democrat and Advertiser of Guntersville, Alabama, for four consecutive weeks.

This 8th day of August, 1932.

JOE FERGUSON.

State of Alabama }
County of Marshall }

This is to certify that the above attached notice of An Act for the relief of Joe Ferguson was run in the Guntersville Advertiser and Democrat for Four consecutive issues, beginning August 10th, 1932.

Y. BURKE,
Publisher.

Sworn to and subscribed before me this 5th day of September, 1932.

OSCAR HORTON,
Judge of Probate.

(Seal)

By Mr. Darden:

S. 178. To require members of the Commissioners Court, members of the Board of Revenue, and/or members of any other or similar governing bodies of the several counties of this State, where not already required, to execute a bond for the faithful, lawful and honest discharge of the duties of his office, with either a Surety Company authorized to do business in Alabama, or by and with two or more good and solvent personal sureties, to be payable to and approved by the Probate Judge of the counties of the Commissioners, members of board of revenue or other governing bodies of the several counties of this State; and to provide that any one injured by the members of the commissioners court, boards of revenue, or other governing bodies of this State, may bring suit on said bond in the name of the injured party; to provide exceptions from the operation of this Act; and to provide that where surety bond is made, the premium on said bond shall be paid by the county out of the general funds of the county.

Committee on Judiciary.

By Mr. Warren:

S. 179. To fix the minimum school age at which children may enter public schools.

Committee on Education.

By Mr. Jordan:

S. 180. To further regulate and prohibit the dealing in future contracts in the State of Alabama.

Committee on Revision of Laws.

REPORTS OF COMMITTEES

Mr. McDowell, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hooton:

S. 137. To prohibit the use of Trailers attached to Motor Vehicles on the Highways of the State of Alabama, with exceptions thereto, and to provide for the punishment of the use of the same.

By Mr. Jordan:

S. 158. To amend Section 3119, Code of Alabama, 1923.

By Mr. Sanderson:

H. 300. To amend Section One of an Act entitled "An Act to provide for the suspension of imposition or execution of sentences and the placing of defendant upon probation; and to prescribe and give power to the State Courts to suspend imposition or execution of sentences and to place defendant upon probation and to give said Courts power of revocation and modification of probation; and to prescribe the duties of probationers, passed July 14, 1931.

By Mr. Kelly of Talladega:

H. 241. To amend Section 9590 of the Code of Alabama of 1923.

By Mr. Callahan:

H. 121. To amend Section Seven of Section 7407 of the Code of Alabama, 1923.

Mr. Hubbard, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McGowin:

H. 289. To provide that the liabilities now existing and which were incurred prior to September 30, 1927, for the erection and equipment of public school buildings in towns of less than twenty-five hundred population may be absorbed by, and become obligations of, the County Boards of Education in the State of Alabama.

Mr. Scruggs, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Scruggs:

S. 174. To authorize, regulate and provide for the admission in evidence of the conclusions or opinions of lay witnesses.

By Mr. Hooton:

S. 170. To provide and require that the Court of Appeals must hereafter in all cases decided by it, either state in the body of its opinion or in a separate paper, state or set out the facts involved in the case before that court in which the opinion is rendered; to provide that said finding of facts by the Court of Appeals shall in any case when a writ of certiorari to the Supreme Court is applied for by any party to said cause, together with a copy of the opinion

of the Court of Appeals, be certified by the Clerk of the Court of Appeals with the record in the case to the Supreme Court, and that upon the hearing of the application for the writ of certiorari before the Supreme Court it shall be the duty of the Supreme Court to look into and examine the record and ascertain and report in its opinion a true statement of facts in the case; to provide that the finding of the facts or any fact set out or so ascertained and found by the Court of Appeals in its finding of facts in such case shall not carry with it any presumption of the correctness of the statement of facts or any part thereof as ascertained by the Court of Appeals; and to further provide that the Supreme Court on such hearing on application for such writ shall not be bound or held to a consideration of the facts as ascertained by the Court of Appeals, and to provide that this Act shall take effect immediately upon its passage and approval by the Governor.

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teasley:

S. 159. To authorize the State Auditor, with the approval of the Governor, to consolidate warrants heretofore or hereafter issued by him as provided by law and to issue in lieu thereof one warrant for the aggregate amount of warrants surrendered and cancelled as herein provided; to provide for the surrender and cancellation of said warrants; to require the auditor to keep a transfer register showing the number, amount and payee of warrants surrendered and cancelled and the number, amount and payee of warrants issued in lieu thereof; to provide that all warrants issued shall be countersigned by the Governor and attested by the Secretary of State under the seal of the State.

By Mr. Green:

H. 186. To provide for the levy, assessment and collection of Estate Taxes in the State of Alabama.

By Mr. McGowin (with notice and proof):

H. 252. To authorize the State Board of Education and the Butler County Board of Education to appropriate money to the operation of the Georgiana Public School.

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Walker (with notice and proof):

S. 171. To amend an Act entitled: "An Act to create and establish an inferior statutory court in Limestone county, Alabama

to be called The Municipal Court of Limestone county; to provide for and define the jurisdiction and powers of such court; to provide for a judge thereof and other officers, their term of office and the manner of the selection of such officers, and their powers, duties and compensation; to fix and define the fees and costs chargeable in said court; to provide rules of procedure in such court; to provide for registering of its judgments and the lien of such judgments, and to provide for the transfer of causes from any abolished court having the same jurisdiction to this court when created and established".

By Mr. Shepherd (with notice and proof):

S. 172. To amend an act "To abolish the Board of Revenue of Walker County, Alabama, and to establish in lieu thereof a County Commission; to provide when said Board of Revenue shall be abolished and said County Commission established; to provide the number of members and who shall constitute the members of said County Commission, and to prescribe their terms of office, authority, powers and duties and fix their compensation; to provide for the selection and election of said members and to repeal all laws and parts of laws in conflict herewith," approved June 13, 1931, said act to be amended so as to read as follows: AN ACT to abolish the Board of Revenue of Walker County, Alabama and to establish in lieu thereof a County Commission; to provide when said Board of Revenue shall be abolished and said County Commission established; to provide the number of members and who shall constitute the members of said County Commission, and to prescribe their terms of office, authority, powers and duties and fix their compensation; to provide for the selection and election of said members and to repeal all laws and parts of laws in conflict herewith.

By Mr. Key (with notice and proof):

H. 333. To amend an act entitled "An act to fix and regulate the fees of State witnesses in criminal cases in the Law and Equity Court and Circuit Court of Franklin County, Alabama, and before the Grand Jury of said county, and to provide for the payment thereof, and to provide for the collection of witness fees from defendants convicted and for the disposition of same," approved July 9th, 1927.

By Mr. Kelly (with notice and proof):

S. 173. For relief of Dixie Chemical Products Co., Inc., and to authorize and empower the Board of Revenue of Morgan County, Alabama, to pay within its descretion, to the said Dixie Chemical Products Co., Inc., the sum of \$182.10 with interest from Jan. 23, 1922, which sum of money represents an account created by the County of Morgan through its Sheriff, J. V. May, which account has never been paid.

Mr. Craft, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Sen-

ate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 125. To encourage the building of bridges, causeways and other development work and relief work upon and abutting on tide lands, the title to or control of which may now or hereafter be vested in the State of Alabama, which shall not have been improved by or under valid public authority and shall not be otherwise devoted to public use, by authorizing the improvement and use thereof and of the abutting submerged lands so improved, and the vesting of title thereto in owners of the abutting riparian land, under and subject to the conditions and approval stated in the Act.

Mr. Craft, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Jordan:

S. 156. To authorize and empower the Courts of County Commissioners, Boards of Revenue or other like governing bodies of the several counties of this State to contract with the Highway Commissioner, or other proper officials of the State Highway Department, or with the Director of the Board of Administration, or other proper official of the Board of Administration, to have any, or all, of the public roads and bridges within their respective counties constructed and maintained by the State Highway Department and/or to use convicts in constructing and maintaining roads, highways and bridges and to purchase and donate to the State, or to donate to the State, lands for building convict camps in the County and for the purposes herein provided to appropriate and use all of the funds derived from the gasoline tax and to appropriate and use any other road and bridge funds and to pledge said gasoline tax and other road and bridge funds to the Highway Department or Board of Administration for the purposes herein provided and to match State aid to be used in the construction and maintenance of roads, highways and bridges in the county.

Mr. Beasley, Chairman of the Standing Committee on Fish, Game and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Beasley:

S. 118. To prohibit any person, except a duly appointed agent or employee of an organized hunting and/or fishing club, in the State of Alabama from accepting as informer's fee any part of any fine imposed on persons violating the game and fish laws of this State. To require courts and/or clerks of courts imposing fines for game and fish violations to remit same to the Commissioner of

Game and Fisheries, which fines shall be disposed of by said Commissioner as provided by law; and providing penalties for violations of this Act and providing for repeal of all laws in conflict with the provisions of this Act.

By Mr. Craft:

S. 124. For the preservation, conservation, development and improvement of the oyster reefs and beds in the waters of Alabama; for the preservation, conservation, development and improvement of the Oyster Industry in the State of Alabama and the territorial waters thereof; to regulate the manner and time of taking and catching oysters from the public waters of the State for planting purposes; to prescribe license fees for boats engaged in taking and catching oysters; to prescribe a tax upon oysters taken from the waters of Alabama for sale or for commercial purposes; to require the re-planting of oyster shells; to regulate the removal of oysters from the State; to provide for the leasing of water bottoms owned by the State; to fix the penalties for violation of this Act; and, generally, to regulate and control the Oyster Industry in the State and all matters connected therewith.

By Mr. Jordan:

S. 157. To amend Section 5555 of the Code of Alabama, 1923.

By Mr. Craft:

S. 165. To provide for the protection and conservation of bass (green trout) and other fresh water game food fishes, in the waters of all counties in Alabama having a population of not over four hundred thousand and not less than one hundred and fifteen thousand according to the last preceding United States census or any succeeding United States census.

By Mr. Craft:

S. 166. To provide for the protection and conservation of certain marine fishes in any of the salt waters within any county in Alabama having a population of not over four hundred thousand and not less than one hundred and fifteen thousand according to the last preceding United States census or any succeeding United States census to provide for penalties for violations of this Act.

Mr. Wikle, Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin:

S. 151. To amend Section 2227 of the Code of 1923.

Mr. McDaniel, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Faulk (with amendment):

S. 119. To prohibit the use by State officers and employees, of any money or property of the State of Alabama, in election campaigns or in securing the passage or defeat of proposed legislation (except in discharge of duties imposed by law on State officers or employees) and to provide a penalty for the violation of this Act.

Mr. Millsap, Chairman of the Standing Committee on Aviation and Traffic Regulations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kelly:

S. 138. To further regulate the use of the public highways in the State of Alabama and to prohibit the operation upon any of the public highways in the State of Alabama of any and all trucks and/or trailers and/or semi-trailers for commercial purposes on Sunday, and make the violation of this Act a misdemeanor and to prescribe the punishment for all violation to this Act; to provide that this Act shall not apply to persons, trucks, and/or trailers and/or semi-trailers engaged, used or employed in interstate commerce or while removing perishable farm or dairy products.

ADVERSE REPORT

Mr. McDowell, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was placed on the adverse calendar, to-wit:

By Mr. Mullins:

S. 161. To release owners of motor vehicles from responsibility for injuries to passengers therein where such passengers are transported without charge, and to provide that the defense of contributory negligence shall not in any case be abrogated.

RESOLUTION AND SPECIAL ORDER

The Rules Committee reported the following Senate resolution:

S. R. 55. Resolved that H. 145 on page 7 of the Calendar be made a special order immediately after the report from Standing Committees.

On motion of Mr. Powell, the rules were suspended, the resolution adopted, and said bill, H. 145, made a special order immediately after the report of standing committees.

REPORT FROM RULES COMMITTEE

Mr. Powell, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report to-wit:

S. J. R. 26. Be it resolved by the Senate, the House concurring:

1. That it is the sense of the Senate and House of the Alabama Legislature that the people of Alabama are paying too high prices for lights, power, water, gas and telephone rentals and services;

2. The Senate and House urgently and earnestly call upon the Public Service Commission of Alabama to take immediate steps to lower existing rates for lights, power, water, gas and telephone rentals and services, now being charged and collected by the utilities of this State through the rules and regulations now in vogue adopted and approved by the Alabama Public Service Commission and which the people of Alabama are sorely oppressed to pay, notwithstanding, the utilities of the State are collecting, in most instances, as large amount of revenues as they did in prosperous times.

And on motion of Mr. Powell, the rules were suspended and the resolution was adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill respectively, and finds same correctly enrolled, to-wit:

S. 102. To amend Section 4195 (6964) of the 1923 Code of Alabama.

T. A. Goodwin,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill the title of which is set out in the foregoing report of committee on enrolled bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and sends same herewith to the Senate.

By Mr. Tucker:

H. 255. To regulate the transportation, delivery, storage or sale of gasoline and other motor fuels in the State; to provide for the licensing by the State of certain individuals, firms, co-partnerships, corporations and associations engaging in the business of selling, distributing, or the withdrawing from storage of gasoline and other motor fuels, and to provide penalties for doing business

without such license; to require bonds before engaging in such business; to require reports to State Tax Commission and immediate payment of all taxes, penalties and interest upon discontinuance of business of selling, distributing or withdrawing from storage gasoline and other motor fuels, and to provide penalties for violations thereof; to regulate the transportation of gasoline and other motor fuels over the public highways and navigable waters of the State, and to provide penalties for violations thereof; to provide for the time and manner of delivering gasoline and other motor fuels to service stations and other places at which same shall be offered for sale at retail to the public, and to provide penalties for violations thereof; to prohibit the delivery of gasoline from certain trucks and other vehicles to the tanks of motor vehicles, except in cases of emergency, and to provide penalties for the violation thereof; to provide for the condemnation and sale of conveyances, boats and other property used in the illegal transportation, sale or delivery of gasoline and other motor fuels in the State, and to provide for the distribution of the proceeds of all such sales; to provide for rewards to persons furnishing information leading to the arrest and conviction of persons violating the provisions of this Act; to provide for the restraining and enjoining of certain persons illegally selling, distributing, withdrawing from storage or transporting gasoline, and to provide generally for the enforcement of the provisions of this Act.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate standing committee as follows:

H. 225, to the Committee on Finance and Taxation.

BILL WITHDRAWN AND RE-REFERRED

On motion of Mr. Hubbard, the bill:

H. 192. To amend group 6 of Section 3022, Article 2 of the Code of Alabama.

Was withdrawn from the Committee on Education and re-referred by the President of the Senate to the Standing Committee on Finance and Taxation.

CONSIDERATION OF SPECIAL ORDER

The Senate proceeded to consider the special order for this hour, which was the bill:

H. 145. To define Burial Companies, Associations and Societies; to provide for the regulation of such Companies, Associations and Societies, to fix a standard of solvency for such Companies, Associations and Societies, and to further provide for the general

revenue of the State by taxation of such Companies, Associations and Societies, and the fixing of a license fee upon their agents, to provide penalties for the violation of this Act, and to repeal all existing laws relating to or governing Burial Insurance Companies, Associations and Societies.

And said bill was read the third time at length and passed.

Yeas, 22; nays, 9.

Yeas:

Messrs.:

Bartlett	Edmundson	McDaniel	Shepherd
Beasley	Fletcher	McDowell	Teasley
Brown	Garrett	Millsap	Walker
Cooper	Hildreth	Riddle	Warren
Cowart	Hooton	Scruggs	Wikle
Darden	Jordan		

—22

Nays:

Messrs.:

Bonner	Duncan	Faulk	Kelley
Caffey	Farmer	Goodwin	Mullins
Delony			

— 9

ELECTION OF JUDGE OF THE COURT OF COMMON PLEAS OF SELMA

Pursuant to the provisions of the bill:

S. 39. To establish an inferior court in Precinct 36 in Dallas County, Alabama, in lieu of all justices of the peace, and notaries public with powers of justices of the peace, in said precinct, to be known as "The Court of Common Pleas of Selma,"; and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of the judge thereof; to provide for the execution of the process of said court, the issuance of certificates of judgment and the operation thereof; to regulate the procedure in said court, and the appeals therefrom; to provide for the appointment or election of the judge of said court; to fix the qualifications and compensation of said judge and the mode of his election, and term of office; to provide for the payment of the salary of the Judge and the expenses of said court; to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct; to provide for the transfer to said court of all causes pending in the justice of the peace courts in said precinct; to provide that the judge of said court may practice law; to provide for the payment of salaries of the Sheriff and Deputy Solicitor of said County for services rendered said Court; and to fix the costs and fees, and provide for the disposition of costs, fees, fines and forfeitures in said court.

Mr. Lapsley nominated as Judge of the Court of Common Pleas of Selma, Mr. William R. Roundtree, Jr.

Those who voted for Mr. Roundtree were:

Messrs.:			
Bartlett	Duncan	Hubbard	Powell
Beasley	Farmer	Jordan	Riddle
Bonner	Faulk	Kelley	Scruggs
Brown	Garrett	Lapsley	Shepherd
Caffey	Goodwin	McDowell	Warren
Cowart	Hildreth	Millsap	Wikle
Darden	Hooton	Mullins	

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Mr. Roundtree having received the entire vote cast, which was a majority of the Senate, he was declared duly and constitutionally elected as Judge of the Court of Common Pleas of Selma, for the term prescribed by the above Act.

BILLS ON THIRD READING

The bill:

S. 141. To amend section 3762 of the Code of Alabama, 1923. Relates to Fees and Compensation of witnesses in criminal cases.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 20; nays, 2.

Yeas:

Messrs.:			
Bartlett	Delony	Hubbard	Powell
Bonner	Farmer	Jordan	Riddle
Caffey	Faulk	Kelley	Scruggs
Cowart	Garrett	McDowell	Walker
Darden	Hildreth	Mullins	Wikle

—20

Nays:—Messrs.: Beasley and Duncan.

— 2

The bill:

S. 116. To amend Section 373 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; nays, 0.

Yeas:

Messrs.:			
Bartlett	Duncan	Hildreth	Mullins
Beasley	Edmundson	Hooton	Powell
Bonner	Farmer	Hubbard	Riddle
Caffey	Faulk	Jordan	Scruggs
Cowart	Fletcher	Kelley	Shepherd
Darden	Garrett	Lapsley	Walker
Delony	Goodwin	McDowell	Wikle

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The bill:

H. 127. To amend Section 7019 of the 1923 Code of Alabama.

Was taken up:

The Committee on Revision of Laws reported the following amendment to said bill to-wit:

To amend H. 127 as follows:

By inserting the word "Or" between the words "Corporation" and "Company" where such words appear together in said bill in the following phrase—or distributed or subject to contract for distribution by such corporation company—

Which was adopted.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Jordan	Powell
Beasley	Edmundson	Kelley	Riddle
Caffey	Garrett	Lapsley	Scruggs
Cooper	Goodwin	McDowell	Shepherd
Cowart	Hildreth	Millsap	Walker
Darden	Hubbard	Mullins	Wikle

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Mr. Hooton offered the following amendment to said bill to-wit:

Amend H. 127, by adding at the end thereof the following:

Provided, that no lands or interest in lands shall be condemned under the provisions of this act, for use in the service of or to another than the condemnor unless and until Alabama Public Service Commission, after a public hearing, shall have determined that such use of the land or interest in land sought to be condemned is a public convenience and necessity.

On motion of Mr. Shepherd, said amendment was laid on the table.

Mr. Hooton also offered the following amendment to said bill to-wit:

Amend H. 127 as adopted by the House, by adding after the words "engaging in or operating" where they appear in amendment adopted by the House, the following words: "or proposing to engage in or operate."

On motion of Mr. Jordan, said amendment was laid on the table.

Mr. Hooton also offered the following amendment to said bill to-wit:

Amend H. 127 as amended and adopted by the House by striking from the same the words, "Private", "Otherwise", "Industrial", wherever they may appear in said bill.

On motion of Mr. Shepherd, said amendment was laid on the table.

Mr. Hooton also offered the following amendment to said bill to-wit:

Amend H. 127 as amended and adopted by the House by adding the following sentence at the close of said bill, to-wit: "However the provisions of this bill shall not curtail or in any way affect the provisions of Section 9795 of the 1923 Code of Alabama;" nor the operation of the provisions of said Code Section, aforesaid."

On motion of Mr. Shepherd, said amendment was laid on the table.

Mr. Hooton also offered the following amendment to said bill to-wit:

Amend H. 127 as adopted and amended by the House, by striking from said bill, the following sentence, to-wit: "The acquisition of rights of way for mining, manufacturing, industrial power and quarrying purposes as provided herein, is hereby declared to be a public use and necessary to the development of the State."

On motion of Mr. Shepherd, said amendment was laid on the table.

Said bill, as thus amended, was then read a third time at length and passed.

Yeas, 30; nays, 3.

Yeas:

Messrs.:

Bartlett	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Darden	Hildreth	Powell	Wikle
Delony	Hubbard		

—30

Nays:—Messrs.: Farmer, Hooton and Mullins.

— 3

The bill:

H. 225. To provide for the election of a County Superintendent of Education by qualified electors of Clarke County, to fix his term of office, to designate the time of said election, the time at which he shall assume the duties of said office, to prescribe the salary of said superintendent and manner of payment thereof, to define his qualifications, powers and duties, to provide for filling vacancy in said office, to require said superintendent to give bond, to prescribe the nature and amount of said bond and how the premium on same shall be paid.

Was taken up.

The Committee on Local Legislation reported the following amendment to said bill to-wit:

Amend H. 225 as follows:

Add after the words and figures three thousand in Section 7, the following: which salary shall be fixed by the County Board of Education of Clarke County, Alabama.

Also amend Section 3 by inserting the figure 2 where the figure 3 appears.

Which was adopted.

Yeas, 35; nays, 0.

Yeas:

Messrs.:			
Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 35; nays, 0.

Yeas:

Messrs.:			
Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

The bill:

H. 221. To amend Sections 3, 6, and 7 of an Act entitled, "An Act to authorize the courts of County Commissioners, Boards of Revenue and Road Commissioners, or other governing bodies of like jurisdiction in all counties which now have or hereafter may have a population of not less than 105,000 and not more than 300,000 according to the last or any succeeding Federal Census, to establish and designate in all State and County elections, general, primary and special one or more voting places in all election precincts outside of the incorporated limits, of each incorporated city or town in said counties, when it is deemed necessary for the convenience of the voters therein, and one voting place in each election ward in any incorporated city or town in said counties, and to authorize the Board of Commissioners of each incorporated city or other governing body of like jurisdiction of any city or town, to establish and designate a voting place in each ward in said city or town at which the qualified voters in such wards shall cast their ballots, and to require the Probate Judge of such counties to separate the list of qualified voters voting in those wards or districts that lie within the city limits or that are commonly known and considered as city wards or districts in groups in alphabetical order so that no group shall contain more than three hundred qualified voters, and in each State and county election to establish a voting place in each city ward, and to require the probate judge in such counties to furnish the election managers of city wards or districts a list of qualified

voters in groups as herein provided and to provide for the method of payment to the probate judge for the furnishing of said lists, and to require voters in city wards or districts in all elections to vote in the voting places assigned to them in alphabetical groups, and to require the legally constituted Boards or Committees by whatever name called authorized and empowered by law to appoint election officials to appoint sets of election officials for each group of three hundred qualified voters arranged alphabetically," approved May 28, 1931 (General Acts, 1931, page 269).

Was read a third time at length and passed.

Yeas, 35; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

The bill:

S. 155. To amend an Act entitled An Act passed over the Governor's Veto on June 9th, 1931, which Act created and established, "The Inferior Court of Randolph County, defined its jurisdiction, provided for the Officers of said Court and for the manner of their selection or election, etc., and abolished the County Court of Randolph County, and the office of County Solicitor" by providing in said Act that the Clerk of said Inferior Court shall receive in addition to the fees therein provided Ex Officio Fees in the same amount that the Clerk of the Circuit Court receives and to provide for the manner and payment thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 35; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

The bill:

S. 168. To impose all the duties of the State Securities Commission and the duties of the President and Associate Members of said Commission under existing law upon the Superintendent of Banks of this State; and to invest in the Superintendent of Banks all the authority, rights, privileges and immunities of the State Securities Commission and of the President and Associate Members of said Commission; and to provide that on and after the effective date of this Act the State Securities Commission shall be composed of the Superintendent of Banks of this State; and to provide that the State Securities Commission shall have its office in the office of the Superintendent of Banks of this State.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Farmer	Hubbard	Millsap
Beasley	Faulk	Jordan	Mullins
Bonner	Fletcher	Kelley	Scruggs
Caffey	Goodwin	Lapsley	Teasley
Cowart	Hildreth	McDaniel	Walker
Darden	Hooton	McDowell	Wikle
Duncan			

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BILL INDEFINITELY POSTPONED

On motion of Mr. McDowell, further consideration of the bill:

S. 48. To repeal Chapter 277 (Section 7308 to 7337, both inclusive) of the Code of Alabama of 1923, and to provide for the transfer of all cases now pending in the Court of Appeals to the Supreme Court of Alabama, and to provide for the transfer of all books, records, documents, and supplies of the Court of Appeals to the Supreme Court, and to provide when this Act shall go into effect.

Was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Smith of Lee, Gullatt, Clayton and Wallace:

H. 375. To alter and re-arrange the boundary line between Lee and Russell Counties.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of the intention to apply for introduction and passage of a local law for Russell and Lee Counties, Alabama, at the present extraordinary session of the Legislature of Alabama. The substance of said local law shall be substantially as follows, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter and re-arrange the boundary line between Lee and Russell Counties.

Be it Enacted by the Legislature of Alabama:

Section 1. That the boundary line between Lee and Russell Counties be and is hereby re-arranged by detaching, and there is hereby detached from Lee County and by adding and there is hereby added to Russell County, the following described territory; beginning at a point on the dividing line between the State of Georgia and the State of Alabama on the West bank of the Chattahoochee River at a point where it is intersected by the East and West center half section line of Section 35, Township 18, Range 30, thence running West along said half section line and the extensions thereof through Sections 35, 34, 33 and 32, Township 18, Range 30, to the West line of said Section 32, thence South along said Western boundary line of Section 32, Township 18, Range 30, and along Western boundary line of Sections 5 and 8 in Township 17, Range 30, to the South boundary line of said Section 8, thence East along the Southern boundary line of Sections 8, 9, 10 and 11, Township 17, Range 30, to the Eastern boundary line of the State of Alabama, on the West bank of the Chattahoochee River, thence running in a Northerly direction along the Eastern boundary line of the State of Alabama on the West bank of the Chattahoochee River to the point of beginning in Lee County, Alabama.

Section 2. There is hereby detached from Russell County, and it is hereby added to Lee County, all of Sections 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, 36 in Township 17, Range 26; also Sections 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, in Township 17, Range 27, in Russell County, Alabama.

Section 3. That except as arranged and provided in Section one and two of this act, the boundary between Lee and Russell Counties shall remain as at present fixed by law.

Section 4. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby expressly repealed.

Section 5. This act shall take effect upon its approval by the Governor or becoming a law.

State of Alabama, }
Russell County. }

Before me, Isaac I. Moses, a Notary Public in and for said State and County, personally appeared I. A. Moses who being by me first duly sworn, deposes and says that she is the editor and publisher of the Phenix-Girard Journal, a newspaper of general circulation published in Girard, Russell County Alabama; that the notice which is attached hereto was published in the said Phenix-Girard Journal giving notice of the intention to apply for the enactment of a bill to be entitled "An Act to alter and re-arrange the boundary line between Lee and Russell Counties;" that this notice was published for four consecutive weeks in the said Phenix-Girard Journal in its issues of August 19, 1932, August 26, 1932, September 2, 1932 and September 9, 1932; and that the said notice was published without cost to the State of Alabama.

This the 10 day of September, 1932.

I. A. MOSES,
Publisher & Editor Phenix-Girard Journal.

Sworn to and subscribed before me on this the 10th day of September, 1932.

ISAAC I. MOSES,
Notary Public.

NOTICE

Notice is hereby given of the intention to apply for introduction and passage of a local law for Russell and Lee Counties, Alabama, at the present extraordinary session of the Legislature of Alabama. The substance of said local law shall be substantially as follows, to-wit:

A BILL TO BE ENTITLED AN ACT

To alter and re-arrange the boundary line between Lee and Russell Counties.

Be it Enacted by the Legislature of Alabama:

Section 1. That the boundary line between Lee and Russell Counties be and is hereby re-arranged by detaching, and there is hereby detached from Lee County and by adding and there is hereby added to Russell County, the following described territory; beginning at a point on the dividing line between the State of Georgia and the State of Alabama on the West bank of the Chattahoochee River at a point where it is intersected by the East and West center half section line of Section 35, Township 18, Range 30, thence running West along said half section line and the extensions thereof through Sections 35, 34, 33 and 32, Township 18, Range 30, to the West line of said Section 32, thence South along said Western boundary line of Section 32, Township 18, Range 30, and along Western boundary line of Sections 5 and 8 in Township 17, Range 30, to the South boundary line of said Section 8, thence East along the Southern boundary line of Sections 8, 9, 10 and 11, Township 17, Range 30, to the Eastern boundary line of the State of Alabama, on the West bank of the Chattahoochee River, thence running in a Northerly direction along the Eastern boundary line of the State of Alabama on the West bank of the Chattahoochee River to the point of beginning in Lee County, Alabama.

Section 2. There is hereby detached from Russell County, and it is hereby added to Lee County, all of Sections 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, 36 in Township 17, Range 26; also Sections 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, in Township 17, Range 27, in Russell County, Alabama.

Section 3. That except as arranged and provided in Section one and two of this act, the boundary between Lee and Russell Counties shall remain as at present fixed by law.

Section 4. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby expressly repealed.

Section 5. This act shall take effect upon its approval by the Governor or becoming a law.

State of Alabama, }
Lee County. }

Before me, Clement C. Tarbert, A Notary Public in and for said State and County, personally appeared W. H. Wilson who being by me first duly sworn, deposes and says that he is the editor and publisher of the Opelika Daily News, a newspaper of general circulation published in Opelika, Lee County Alabama; that the notice which is attached hereto was published in the said Opelika Daily News giving notice of the intention to apply for the enactment of a bill to be entitled "An Act to alter and re-arrange the boundary line between Lee and Russell Counties;" that this notice was published for four consecutive weeks in the said Opelika Daily News in its issues of August 18, 1932, August 25, 1932, September 1, 1932, and September 8, 1932;

and that the said notice was published without cost to the State of Alabama.
This the 9th day of Sept., 1932.

W. H. WILSON,
Publisher & Editor Opelika Daily News.
Sworn to and subscribed before me on this the 9th day of Sept., 1932.
CLEMENT C. TARBERT,
Notary Public.

Also:

By Messrs. Smith (of Lee), Gullatt, Clayton and Wallace:

H. 376. To fix the just and equitable share of the county indebtedness of Lee County to be paid to Lee County by Russell County on account of the changes in the boundary lines between said Counties, and to authorize and require payment of such amount by Russell County to Lee County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of the intention to apply for introduction and passage of a local law for Russell and Lee Counties, Alabama, at the present extraordinary session of the Legislature of Alabama. The substance of said local law shall be substantially as follows, to-wit:

A BILL, TO BE ENTITLED AN ACT

To fix the just and equitable share of the county indebtedness of Lee county to be paid to Lee County by Russell County on account of the changes in the boundary lines between said Counties, and to authorize and require payment of such amount by Russell County to Lee County.

Be It Enacted by the Legislature of Alabama:—

Section 1. That the just and equitable share of the county indebtedness of Lee County to be paid to Lee County by Russell County on account of the changes in the boundary lines between said counties, and on account of the fact that by such changes property of greater value has been placed in Russell County than the property which has been placed in Lee County, be and the same is hereby fixed at the total sum of Twelve Thousand and Six Hundred Dollars.

Section 2. That Russell County shall pay to Lee county said total sum in three equal annual installments.

Section 3. That to effect such payment the Board of Roads & Revenue of Russell County, Alabama, or other governing body thereof, be and the same is hereby authorized and directed to draw its warrants in such amounts upon the County Depository of said county, payable to Lee County, Alabama, and the County Depository of Russell County, Alabama, be and it is authorized and directed to honor and pay such warrants upon their due presentation.

This Act shall become effective upon its enactment into law.

State of Alabama, }
Russell County. }

Before me, Isaac I. Moses, A Notary Public in and for said State and County, personally appeared I. A. Moses who being by me first duly sworn, deposes and says that she is the editor and publisher of the Phenix-Girard Journal, a newspaper of general circulation published in Girard, Russell

County Alabama; that the notice which is attached hereto was published in the said Phenix-Girard Journal giving notice of the intention to apply for the enactment of a bill to be entitled "An Act to fix the just and equitable share of the county indebtedness of Lee County to be paid to Lee County by Russell County on account of the changes in the boundary lines between said Counties, and to authorize and require payment of such amount by Russell County to Lee County;" that this notice was published for four consecutive weeks in the said Phenix-Girard Journal in its issues of August 19, 1932, August 26, 1932, September 2, 1932 and September 9, 1932; and that the said notice was published without cost to the State of Alabama.

This 10th day of September, 1932.

I. A. MOSES,

Publisher & Editor Phenix-Girard Journal.

Sworn to and subscribed before me on this the 10th day of September, 1932.

ISAAC I. MOSES,
Notary Public.

NOTICE

Notice is hereby given of the intention to apply for introduction and passage of a local law for Russell and Lee Counties, Alabama, at the present extraordinary session of the Legislature of Alabama. The substance of said local law shall be substantially as follows, to-wit:

A BILL TO BE ENTITLED AN ACT

To fix the just and equitable share of the county indebtedness of Lee County to be paid to Lee County by Russell County on account of the changes in the boundary lines between said Counties, and to authorize and require payment of such amount by Russell County to Lee County.

Be It Enacted by the Legislature of Alabama:

Section 1. That the just and equitable share of the county indebtedness of Lee County to be paid to Lee County by Russell County on account of the changes in the boundary lines between said counties, and on account of the fact that by such changes property of greater value has been placed in Russell County than the property which has been placed in Lee County, be and the same is hereby fixed at the total sum of Twelve Thousand and Six Hundred Dollars.

Section 2. That Russell County shall pay to Lee County said total sum in three equal annual installments.

Section 3. That to effect such payment the Board of Roads and Revenue of Russell County, Alabama, or other governing body thereof, be and the same is hereby authorized and directed to draw its warrants in such amounts upon the County Depository of said county, payable to Lee County, Alabama, and the County Depository of Russell County, Alabama, be and it is authorized and directed to honor and pay such warrants upon their due presentation.

This Act shall become effective upon its enactment into law.

State of Alabama, }
Lee County. }

Before me, Clement C. Tarbert, A Notary Public in and for said State and County, personally appeared W. H. Wilson who being by me first duly sworn, deposes and says that he is the editor and publisher of the Opelika Daily News, a newspaper of general circulation published in Opelika, Lee County Alabama; that the notice which is attached hereto was published in the said Opelika Daily News giving notice of the intention to apply for the

enactment of a bill to be entitled "An Act to fix the just and equitable share of the county indebtedness of Lee County to be paid to Lee County by Russell County on account of the changes in the boundary lines between said Counties, and to authorize and require payment of such amount by Russell County to Lee County;" that this notice was published for four consecutive weeks in the said Opelika Daily News in its issues of August 18, 1932, August 25, 1932, September 1, 1932, and September 8, 1932; and that the said notice was published without cost to the State of Alabama.

This the 9th day of Sept., 1932.

W. H. WILSON,

Publisher & Editor Opelika Daily News.

Sworn to and subscribed before me on this the 9th day of Sept., 1932.

CLEMENT C. TARBERT,
Notary Public.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committee as follows:

H. 375 and H. 376 to the Committee on County and County Boundaries.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Edgar:

H. 71. To regulate the Manufacture for sale, the transportation, sale and possession of cereal beverages, in which hops, malt, or other light ingredients are used, containing not more than one-half of one per cent alcohol, or such amount not in excess of that prohibited by the laws of the United States of America under authority of the Eighteenth Amendment to the Constitution of the United States.

Also:

By Mr. Edgar:

H. 72. In reference to and to further provide for the general revenue of the State of Alabama.

Also:

By Mr. Edgar:

H. 73. In relation to the educational system of Alabama; to make appropriations and provide funds for lengthening the terms of the elementary public schools of the State and to prescribe conditions or apportionment and expenditure of such funds or appropriations.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

Mr. Mullins moved that H. 71, the title of which is set out in the foregoing message from the House, be referred to the Committee on Finance and Taxation.

Mr. Bonner, as a substitute for the motion of Mr. Mullins, moved that said bill be referred to the Committee on Temperance.

Mr. Teasley moved to table the motion of Mr. Bonner, which motion prevailed and said motion was tabled.

Yeas, 25; nays, 8.

Yeas:

Messrs.:

Bartlett	Duncan	Hooton	Powell
Beasley	Edmundson	Jordan	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Garrett	McDaniel	Teasley
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Delony			

—25

Nays:

Messrs.:

Bonner	Darden	Hubbard	McDowell
Cooper	Faulk	Kelley	Walker

— 8

Mr. Mullins' motion to refer said bill to the Committee on Finance and Taxation then prevailed, and said bill was read once and referred to the Committee on Finance and Taxation.

Also, H. 72 and H. 73, the titles of which are set out in the foregoing Message from the House, were read once and referred to appropriate standing committee as follows:

H. 72 and H. 73 to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the request of the Senate for a Committee of Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 1. To amend Section One of An Act approved January 28th, 1927, and entitled, "An Act to provide for the expenses incurred by members of the Legislature of Alabama while in attendance upon sessions of the Legislature."

And the Speaker of the House has appointed as Conferees on part of the House: Messrs. Beebe, Culver and Sanderson.

J. H. Stewart,
Clerk.

RECESS

At 12:30 P. M., on motion of Mr. Beasley, the Senate took a recess until 3:00 o'clock this afternoon.

AFTERNOON SESSION—FIFTEENTH DAY

Thursday, September 22nd, 1932.

The Senate re-assembled at 3 P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

On a call of the roll, the following Senators answered to their names, a quorum of the Senate:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Fletcher:

S. 181. To abolish the office of Deputy Solicitor and the office of Assistant Circuit Solicitor in and for the Twenty-third Judicial Circuit composed of Madison County, and to repeal all laws, general, special or local, in conflict with the provisions of this Act, insofar as they relate to Madison County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a Bill will be introduced for passage at the special session of the present Legislature of Alabama, in substance as follows:

AN ACT

To abolish the office of Deputy Solicitor and the office of Assistant Circuit Solicitor in and for the Twenty-third Judicial Circuit composed of Madison County, and to repeal all laws, general, special or local, in conflict with the provisions of this Act, insofar as they relate to Madison County, Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. The office of Deputy Solicitor and the office of Assistant Circuit Solicitor in and for the Twenty-third Judicial Circuit, composed of Madison County, are hereby abolished.

Section 2. All laws, general, special and local, in conflict with the provisions of this Act, are hereby repealed, insofar as they relate to Madison County and the Twenty-third Judicial Circuit.

Section 3. This act shall go into effect immediately upon its passage and approval by the Governor.

State of Alabama, }
Madison County. }

Before me, W. P. Nicholson, a Notary Public in and for said county and state this day personally appeared Henry P. Johnston, who being first duly sworn deposes and says that he is Publisher of The Huntsville Times, a newspaper of general circulation in the City of Huntsville, Madison County, Alabama; that the foregoing notice of proposed Bill to be introduced for passage in the Legislature of Alabama, was published in said newspaper once a week for four consecutive weeks, on August 16, 1932, August 23, 1932, August 30, 1932, and September 6, 1932.

HENRY P. JOHNSTON,
Publisher.
Sworn to and subscribed before me this the 8th day of September, 1932.
W. P. NICHOLSON,
Notary Public.

(Seal)

By Mr. Fletcher:

S. 182. To amend an Act, approved April 4, 1911, entitled: "An Act to establish in Precinct One, in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and notaries public with the power of the Justices of the Peace, in said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof," as amended by Local Act of the Legislature of Alabama, approved July 27, 1923, and as amended by Local Act of the Legislature of Alabama, approved March 2, 1931, by amending Section 23 of said amended Act.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a Bill will be introduced for passage at the special session of the present Legislature of Alabama, in substance, as follows:

AN ACT

To amend an Act, approved April 4, 1911, entitled:

"An Act to establish in Precinct One, in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and notaries public with the power of the Justices of the Peace, in said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof," as amended by Local Act of the Legislature of Alabama, approved July 27, 1923, and as amended by Local Act of the Legislature of Alabama, approved March 2, 1931, by amending Section 23 of said amended Act.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 23 of an Act to establish in Precinct One, In Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and notaries public with the powers of Justices of the Peace in said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said court and the Judge thereof, approved April 4, 1911, as amended by Local Act of the Legislature of Alabama, approved July 27, 1923, and as amended by Local Act of the Legislature of Alabama, approved March 2, 1931, be amended so as to read as follows:

Section 23: The Solicitor of the Circuit Court of Madison County, shall attend said Court and prosecute criminal cases therein, and there shall be taxed in each criminal case a solicitor's fee, when a conviction is had, to be taxed and collected in the same manner as said fees are taxed and collected, and paid in the Circuit Court of Madison County, such fees to be paid monthly by the clerk of said court into the County Treasury of said County.

Section 2. This Act shall go into effect immediately upon its passage and approval by the Governor.

State of Alabama, }
Madison County. }

Before me, W. P. Nicholson, a Notary Public in and for said county and state this day personally appeared Henry P. Johnston, who being first duly sworn deposes and says that he is Publisher of The Huntsville Times, a newspaper of General circulation in the City of Huntsville, Madison County, Alabama; that the foregoing notice of proposed Bill to be introduced for passage in the Legislature of Alabama, was published in said newspaper once a week for four consecutive weeks, on August 16, 1932, August 23, 1932, August 30, 1932 and September 6, 1932.

HENRY P. JOHNSTON,
Publisher.

Sworn to and subscribed before me this the 8th day of September, 1932.

(Seal) W. P. NICHOLSON,
Notary Public.

By Mr. Fletcher:

S. 183. To amend an Act entitled, "An Act to create and establish a Board of County Commissioners in and for Madison County, Alabama, in the place and stead of the Board of Revenue of Madison County now existing in said county, and abolishing said Board of Revenue in Madison County; to divide said county of Madison into five districts, defining the boundaries thereof; defining the jurisdiction of said Board of County Commissioners, fixing their compensation; conferring upon said Board of County Commissioners all the jurisdiction, powers and authority granted by law to County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; and to authorize said Board of County Commissioners for the purpose of maintaining the public roads, bridges and ferries of Madison County, to impose a tax on gasoline, Woco-Pep or other substitute therefor sold in the county, not to exceed three cents per gallon, and to provide the machinery for its collection; authorizing the appointment of said Board of County Commissioners of a clerk, and a supervisor of public roads, providing for the holding of monthly meetings of said Board of Commissioners and providing for the repeal of all laws in conflict with this Act; providing for the appointment, nomination and

election of said Board of Commissioners approved September 20th, 1923," as amended by local Act of the Legislature of Alabama approved February 15th, 1927, and by Local Act of the Legislature of Alabama approved July 20th, 1931; by amending Section 12½ to authorize and empower the Board of County Commissioners to make donation to Local Chapter of the American Red Cross in said County, and for that purpose to appropriate to said donation a portion of County gasoline tax, and to ratify appropriations heretofore made to Local Red Cross Chapter.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a Bill will be introduced for passage at the special session of the present Legislature of Alabama, in substance as follows:

AN ACT

To Amend an Act, entitled:

"An Act to create and establish a board of County Commissioners in and for Madison County, Alabama, in the place and stead of the Board of Revenue of Madison County now existing in said county, and abolishing said Board of Revenue in Madison County; to divide said county of Madison into five districts, defining the boundaries thereof; defining the jurisdiction of said Board of County Commissioners, fixing their compensation; conferring upon said Board of County Commissioners all the jurisdiction, powers and authority granted by law to County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this state, and to authorize said Board of County Commissioners for the purpose of maintaining the public roads, bridges, and ferries of Madison County to impose a tax on gasoline, Woco-Pep or other substitute therefor sold in the county not to exceed three cents per gallon and to provide the machinery for its collection; authorizing the appointment of said Board of County Commissioners of a clerk, and a supervisor of Public Roads, providing for the holding of monthly meetings of said Board of Commissioners and providing for the repeal of all laws in conflict with this Act; providing for the appointment, nomination and election of said Board of Commissioners approved September 20th, 1923," as amended by local Act of the Legislature of Alabama, approved February 15th, 1927, and by Local Act of the Legislature of Alabama approved July 20th, 1931; by amending Section 12½ to authorize and empower the Board of County Commissioners to make donation to Local Chapter of the American Red Cross in said County, and for that purpose to appropriate to said donation a portion of County gasoline tax, and to ratify appropriations heretofore made to Local Red Cross Chapter.

Be it Enacted by the Legislature of Alabama:

Section 1. That an Act to create and establish a Board of County Commissioners in and for Madison County, Alabama, in the place and stead of the Board of Revenue of Madison County now existing in said county, and abolishing said Board of Revenue in Madison County; to divide said county of Madison into five districts, defining the boundaries thereof; defining the jurisdiction of said Board of County Commissioners, fixing their compensation; conferring upon said Board of County Commissioners all the jurisdiction, powers and authority granted by law to County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this state; and to authorize said Board of County Commissioners for the purpose of maintaining the public roads, bridges and ferries of Madison County to im-

pose a tax on gasoline, Woco-Pep or other substitute therefor sold in the County not to exceed three cents per gallon and to provide the machinery for its collection; authorizing the appointment of said Board of County Commissioners of a clerk, and a supervisor of Public Roads; providing for the holding of monthly meetings of said Board of Commissioners and providing for the repeal of all laws in conflict with this act; providing for the appointment, nomination and election of said Board of Commissioners approved September 20th, 1923, as amended by Local Act of the Legislature of Alabama, approved February 15th, 1927, and by Local Act of the Legislature of Alabama, approved July 20th, 1931, be amended, by amending Section 12½ of said Act to read as follows:

Section 12½: The Board of County Commissioners may, for the purpose of maintaining the public roads, bridges, and ferries of Madison County, impose a tax on gasoline, Woco-Pep, or any substitute therefor, sold in the county, not to exceed three cents per gallon, or may impose and collect a privilege tax of not more than three cents per gallon on gasoline, Woco-Pep, or any substitute therefor, sold in the county, for the privilege of selling same, and may provide the machinery or rules for collection thereof; such tax or privilege tax to be levied or imposed and the money derived therefrom to be used, for the purpose of maintaining the public roads, bridges, and ferries of Madison County; provided, however, that said Board of Commissioners may in their discretion, donate annually, out of the general funds of said county a sum not to exceed \$6,000.00 per annum, to the support of the Local Chapter of the American Red Cross in said County, and may, in their discretion, as a part of such donation appropriate one cent of the tax on motor fuel, herein provided; and provided, further, that any donations heretofore made by said board, to the local chapter of the American Red Cross in said county, are hereby ratified and confirmed.

Section 2. That all laws, or parts of laws, in conflict with the provisions of this Act, be, and the same are hereby repealed.

Section 3. This Act shall go into effect immediately upon its passage and approval by the Governor.

State of Alabama, }
Madison County. }

Before me, W. P. Nicholson, a Notary Public in and for said county and state this day personally appeared Henry P. Johnston, who being first duly sworn deposes and says he is Publisher of The Huntsville Times, a newspaper of general circulation in the City of Huntsville, Madison County, Alabama; that the foregoing notice of proposed Bill to be introduced for passage in the Legislature of Alabama, was published in said newspaper once a week for four consecutive weeks, on August 23, 1932, August 30, 1932, September 6, 1932 and September 13, 1932.

HENRY P. JOHNSTON,
Publisher.

Sworn to and subscribed before me this 13th day of September, 1932.

W. P. NICHOLSON,
Notary Public.

(Seal)

By Mr. Darden:

S. 184. To abolish the office of County Solicitor of Coosa County, Alabama, and to create in lieu thereof the office of County Attorney; to define the qualifications and duties of County Attorney of Coosa County, Alabama; to provide for his election or appointment; to provide for the salary of the County Attorney and the manner of paying the same; to prescribe his term of office and for his removal from office and for the filling of the vacancy in said office.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Goodwater, Ala., August 8th, 1932.

To Whom This May Concern:

Notice is hereby given that a local bill for Coosa County, Alabama, will be introduced at the Special or Extraordinary Session of the Alabama Legislature, the substance of which local bill will be as follows:

To abolish the office of County Solicitor of Coosa County, and to establish in lieu thereof the Office of County Attorney; to define the qualifications of County Attorney; to provide for his election; to define his duties, powers and to provide for his salary and payment thereof; and to provide for the term of office of County Attorney and for his removal from office, and to provide for the filling of vacancy in said office.

JOHN A. DARDEN, Senator,
34th District.

State of Alabama,
Coosa County

Before me, the undersigned notary public for said county in said state, personally appeared Maggie Thomas, who being duly sworn states that she is the Office Manager of the Rockford Chronicle, a newspaper published at Rockford in Coosa County, in said State, and that the attached notice was published in said newspaper for four consecutive weeks, dated August 18th, 1932; August 25th, 1932; September 1st, 1932 and September 8th, 1932.

MAGGIE THOMAS,
Office Manager.

Sworn and subscribed to before me this the 8th day of September, 1932.

HENRY A. TEEL,
Notary Public.

(Seal)

By Mr. Fletcher:

S. 185. To amend Section 14 of an Act entitled "An Act to establish in precinct one in Madison County, Alabama, an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in said precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said court and the judge thereof", approved April 4, 1911.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a Bill will be introduced for passage at the special session of the present Legislature of Alabama, in substance as follows:

An act to amend Section 14 of an act entitled an act, "To establish in precinct one in Madison County, Alabama, an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in said precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said court and the judge thereof", Approved April 4, 1911.

Section 1—Be it enacted by the Legislature of Alabama, that section 14 of an act entitled an act: "To establish in precinct one in Madison County,

Alabama, an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in said precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said court and the judge thereof," approved April 4, 1911, be amended to read as follows:

Section 14—Out of all fines and forfeitures collected by the judge or clerk of said court he shall pay to the constable of precinct one of Madison County the amount due for his fees in cases in which the defendant was acquitted, or insolvent and unable to pay after conviction, not to exceed fifty dollars for any calendar month, after such payment to the constable the clerk or judge of said court shall pay to the sheriff of Madison County the amount due for his fees in cases in which the defendant was acquitted, or insolvent and unable to pay after conviction, and the balance of said fines and forfeitures collected by the judge or clerk of said court shall be paid into the county treasury of Madison County by the clerk or judge of said court once in each month. The money paid into the treasury of Madison County by the clerk or judge of said court must be kept apart from the other funds of said county, and known as, "The fund of the Inferior Court of Huntsville."

State of Alabama, }
Madison County. }

Before me, W. P. Nicholson, a notary Public in and for said state and county aforesaid, personally appeared Henry P. Johnston, known to me, who being by me first duly sworn, deposes and says that he is publisher of The Huntsville Times, that it is a newspaper published at Huntsville, Madison County, Alabama, where it has a general circulation; and that the notice shown above, and attached hereto, did appear in the regular issues of The Huntsville Times of

August 29, 1932
September 5, 1932
September 12, 1932
September 19, 1932

THE HUNTSVILLE TIMES,
HENRY P. JOHNSTON,
Publisher.

Sworn to and subscribed before me this the 19th day of Sept., 1932.

(Seal) W. P. NICHOLSON,
Notary Public.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill and returns same herewith to the Senate:

S. 59. To amend Section 8663 of the 1923 Code of Alabama.
J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Shepherd, the Senate concurred in the following amendment by the House to S. 59, the title of which is set out in the foregoing message from the House to-wit:

Substitute for S. 59:

A BILL

To be entitled an Act to amend Section 8663 of the 1923 Code of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 8663 of the 1923 Code of Alabama be, and the same hereby is, amended so as to read as follows: 8663. (4635) (2656) (2752) (3018) (2668) (2264). Struck jury.—In all civil actions triable by jury, either party may demand a struck jury, and must thereupon be furnished by the Clerk with a list of twenty-four jurors in attendance upon the court, from which a jury must be obtained by the parties or their attorneys alternately striking one from the list until twelve are stricken off, the party demanding the jury commencing; provided, that in all judicial circuits having not more than two judges, the court shall require to be made two lists of all the jurors in attendance upon the court, who are competent to try the case, and not engaged in the trial of some other case, which list shall in no event contain less than twenty-four jurors, from which a jury must be obtained by the parties or their attorneys alternately striking one from the list until only twelve remain on the list, the party demanding the jury commencing; and the jury thus obtained must not be challenged for any cause, except bias or interest as to the particular case.

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect upon its approval by the Governor.

Yeas, 19; nays, 0.

Yeas:

Messrs.:

Bonner	Darden	Faulk	Mullins
Brown	Delony	Garrett	Shepherd
Caffey	Duncan	Goodwin	Teasley
Cowart	Edmundson	Kelley	Walker
Craft	Farmer	McDaniel	

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REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the fifteenth legislative day, and finds same correct and containing all original entries and references thereto required by the Constitution.

Respectfully submitted,
Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read, and, on motion of Mr. Farmer, said report was concurred in and the Journal of the Senate for the fifteenth legislative day, approved by the Senate.

ADJOURNMENT

At 4:10 P. M. on motion of Mr. Powell, the Senate adjourned until Friday, September 23rd, 1932, at 10 A. M.

SIXTEENTH DAY

Friday, September 23rd, 1932.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill, presiding.

PRAYER

By, Dr. J. E. Tate, of the Clayton Street Methodist Church of Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:			
Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Fletcher	Lapsley	Teasley
Cooper	Garrett	McDaniel	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden			

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JOURNAL

On motion of Mr. Cooper, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Bartlett:

S. 186. For the relief of Mutual Oil Company, of DeKalb County, Alabama, to refund certain moneys erroneously or illegally collected from said company as money due the State of Alabama as Sales Tax or license on gasoline.

Committee on Finance and Taxation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the Legislature of Alabama, during the special Session thereof, commencing on August 16, 1932, to enact into law a bill substantially as follows:

A BILL

To be entitled an Act for the relief of Mutual Oil Company, of DeKalb County, Alabama, to refund certain moneys erroneously or illegally collected from said company as money due the State of Alabama as sales or license on gasoline.

Be it enacted by the Legislature of Alabama:

Section 1. That what whereas, on September 30, 1927, and on October 18, 1927, the Mutual Oil Company of Collinsville, DeKalb County, Alabama, paid into the State Treasury the sum of \$614.20 and the sum of \$154.41, respectively, as money claimed to be due the State of Alabama as sales tax or license on gasoline.

Under the provisions of General Revenue Act of 1919, License Schedule 74, Section 361 (General Acts 1919, page 424) when in fact said money was not due the State of Alabama because said License Schedule 74 was held invalid by the Supreme Court of Alabama, and, whereas, the said money was paid the State of Alabama under protest. The State Treasurer of Alabama and State Tax Commission of Alabama acknowledging that said taxes or license were paid under protest and agreeing that if said License Schedule 74 should be held invalid, the said money so collected would be refunded to the Mutual Oil Company.

Section 2. Therefore, be it further enacted by the Legislature of Alabama, that the sum of \$614.20 with interest from September 30, 1927, and the sum of \$154.41 with interest from October 18, 1927, be and the same are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated for reimbursement of said Mutual Oil Company, and the State Auditor is hereby authorized and directed to draw his warrant on the State Treasury in favor of the said Mutual Oil Company for the sum of \$982.76, which includes interest, said sum being due the said Mutual Oil Company by the State of Alabama.

State of Alabama }
County of DeKalb }

Personally appeared before me the undersigned, a Notary Public within and for said county and State, J. W. Mills, publisher of the Collinsville New Era, a newspaper published at Collinsville, County of DeKalb, State of Alabama, who, being duly sworn, states on oath that, "A BILL TO BE ENTITLED AN ACT for the relief of Mutual Oil Company of DeKalb County, Alabama, to refund certain moneys erroneously or illegally collected from said company as money due the State of Alabama as Sales Tax or license on gasoline", a true copy of which is hereto annexed, was published in said newspaper for four consecutive weeks beginning with its issue of August 25th, 1932 and being concluded in its issue of September 15th, 1932.

J. W. MILLS,
Publisher.
By MAY MYERS,
Secretary.

Subscribed and sworn to before me this the 17th day of September, 1932.
C. V. PORTER.

Notary Public.

(Seal)

By Mr. Lapsley:

S. 187. To prohibit the diversion, misappropriation, misapplication or misuse of any trust funds of the State and to provide penalties for a violation of said act.

Committee on Judiciary.

By Mr. Teasley:

S. 188. To provide for the expenses incurred by members of the Legislature of Alabama while in attendance upon sessions of the Legislature.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Scruggs, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Morrow:

H. 213. To amend Section 9023 of the Code of Alabama of 1923.

By Mr. Powell:

S. 175. To relieve the Tax Assessors of all the Counties in the State of Alabama, where there are no local laws providing to the contrary, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order, according to Beats, the original assessment lists, and have same permanently bound and kept as a permanent record, and prepare the Tax Collector's abstracts from said assessment lists, and to repeal all laws in conflict herewith, except local laws.

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Tucker:

H. 255. To regulate the transportation, delivery, storage or sale of gasoline and other motor fuels in the State; to provide for the licensing by the State of certain individuals, firms, co-partnerships, corporations and associations engaging in the business of selling, distributing, or the withdrawing from storage of gasoline and other motor fuels, and to provide penalties for doing business without such license; to require bonds before engaging in such business; to require reports to State Tax Commission and immediate payment of all taxes, penalties and interest upon discontinuance of business of selling, distributing or withdrawing from storage gasoline and other motor fuels, and to provide penalties for violations thereof; to regulate the transportation of gasoline and other motor fuels over the public highways and navigable waters of the State,

and to provide penalties for violations thereof; to provide for the time and manner of delivering gasoline and other motor fuels to service stations and other places at which same shall be offered for sale at retail to the public, and to provide penalties for violations thereof; to prohibit the delivery of gasoline from certain trucks and other vehicles to the tanks of motor vehicles, except in cases of emergency, and to provide penalties for the violation thereof; to provide for the condemnation and sale of conveyances; boats and other property used in the illegal transportation, sale or delivery of gasoline and other motor fuels in the State, and to provide for the distribution of the proceeds of all such sales, to provide for rewards to persons furnishing information leading to the arrest and conviction of persons violating the provisions of this Act; to provide for the restraining and enjoining of certain persons illegally selling, distributing, withdrawing from storage or transporting gasoline, and to provide generally for the enforcement of the provisions of this Act.

By Mr. Edgar:

H. 71. To regulate the manufacture for sale, the transportation, sale and possession of cereal beverages, in which hops, malt, or other light ingredients are used, containing not more than one-half of one per cent alcohol, or such amount not in excess of that prohibited by the laws of the United States of America under authority of the Eighteenth Amendment to the Constitution of the United States.

LEAVE OF ABSENCE

On motion of Mr. Bonner, leave of absence, was granted Mr. Faulk for today.

On motion of Mr. Hildreth, leave of absence, was granted Mr. McDowell for today.

RESOLUTIONS

Mr. Hildreth offered the following joint resolution:

S. J. R. 56. Be it resolved by the Senate, the House concurring that when the two Houses adjourn today, they adjourn to meet again on Tuesday, September 27th, 1932, at 11 a. m.

And on motion of Mr. Hildreth, the rules were suspended and the resolution was adopted.

Mr. Powell offered the following resolution:

S. R. 57. Resolved by the Senate that the Enrolling Clerk of the Senate and the Secretary of the Senate be requested to enroll as speedily as possible S. 1 so that the same may be transmitted to the Governor for his approval and become effective at the earliest possible date.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE

Mr. Powell, chairman of Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report to-wit:

S. R. 57. Requesting the enrolling clerk and secretary of the Senate to enroll as speedily as possible S. 1.

And on motion of Mr. Powell the resolution was put upon its immediate passage and adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 59. To amend Section 8663 of the 1923 Code of Alabama.

T. A. Goodwin,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill the title of which is set out in the foregoing report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Snodgrass:

H. 278. To amend Section 376 of the Code of Alabama, 1923, as amended by an Act of the Legislature of Alabama, approved August 20th., 1927, entitled "An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923", found on page 274 of the Acts of 1927.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to appropriate standing committee.

H. 278 to the Committee on Privileges and Elections.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following House bills:

H. 127. To amend Section 7019 of the 1923 Code of Alabama.

Also:

H. 225. To provide for the election of a County Superintendent of Education by qualified electors of Clarke County, to fix his term of office, to designate the time of said election, the time at which he shall assume the duties of said office, to prescribe the salary of said superintendent and manner of payment thereof, to define his qualifications, powers and duties, to provide for filling vacancy in said office, to require said superintendent to give bond, to prescribe the nature and amount of said bond and how the premium on same shall be paid.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 105. To amend Section 246 of the Educational Code of Alabama, Approved August 27, 1927.

J. H. Stewart,
Clerk.

BILL INDEFINITELY POSTPONED

On motion of Mr. Scruggs, further consideration of the bill:

S. 32. To authorize and provide for the issuance and sale of State bonds for the purpose of paying the outstanding debts of the State of Alabama as of September 30, 1932, as authorized by the Constitutional Amendment known as Article XXIII of the Constitution of Alabama.

Was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate.

By Mr. Robinson:

H. 202. To provide for the keeping in secrecy of the names and identities of persons drawn or summoned for jury service in Circuit Courts in counties having a population of 300,000 or more according to the last or any future Federal census, and to prescribe penalties and punishments for violations of the provisions of this act.

Also:

By Mr. Carmichael:

H. 335. To regulate the issue of garnishment by Justice of the Peace and Notaries Public, with the same jurisdiction and powers of a Justice of the Peace, and proceedings there on, when a demand owing for, or on account of, personal services rendered or to be rendered by the defendant is sought to be subjected by process of garnishment in the County of Colbert.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced in the Legislature of Alabama, during the 1932 extraordinary session, which BILL in substance is as follows:

C. E. CARMICHAEL,
Member of House of Representatives, From Colbert County.

AN ACT

To Regulate the Issue of Garnishments By Justices of the Peace and Notaries Public, with the Same Jurisdiction and Powers of a Justice of the Peace, and Proceedings Thereon, when a Demand Owing For, or On Account Of, Personal Services rendered or to be Rendered by the Defendant is Sought to Be Subjected by Process of Garnishment in the County of Colbert.

Section 1. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA, That any person desiring to sue out a writ of garnishment returnable before a Justice of the Peace or Notary Public with powers of a Justice of the Peace, seeking to subject a demand owing for or on account of personal services rendered, or to be rendered by the defendant as a laborer or employe, shall, in addition to the affidavit now required by law, make affidavit that the defendant has in writing waived his right of exemption, or right to claim same as exempt under the laws of this State: PROVIDED, the provisions of this act, shall not apply to garnishments for poll tax or other tax.

Section 2. BE IT FURTHER ENACTED, That on the trial of any case where it is found that such garnishment issued without a compliance with the provisions of the preceding sections in respect to such additional affidavit, such garnishment shall be of no effect and any Judgment rendered thereon shall be void.

Section 3. BE IT FURTHER ENACTED, That on the trial of any case where there is a specific affidavit as provided for in the preceding section, where the defendant denies having waived his right of exemptions and it is decided by the Justice of the Peace or Notary Public with powers of a Justice of the Peace, trying the case, that the defendant did not waive his exemptions in writing, then the said garnishment proceedings shall be dismissed and the Plaintiff taxed with the cost of the same, if appeal is not taken in five days as provided by law.

Section 4. BE IT FURTHER ENACTED, That in all such garnishment proceedings, the plaintiff shall not recover and judgment shall not be rendered for more cost than damages, and where the garnishee is not indebted to the defendant, the cost of such garnishment shall be taxed against the plaintiff in the suit and shall not be taxed against the defendant in subsequent garnishment proceedings.

Section 5. BE IT FURTHER ENACTED, That it shall be unlawful for Justices of the Peace and Notaries Public with the same jurisdiction and powers of Justices of the Peace to act as prosecutors in cases where garnishments have been issued from, and made returnable to their courts.

Section 6. BE IT FURTHER ENACTED, That in all suits where garnishments are issued to subject a demand owing for or on account of personal services rendered by the defendant, the fees in the garnishment proceedings in each case of the Justice of the Peace or Notary Public with powers of Justice of the Peace and Constable or other officers authorized to serve garnishments under the laws of the State shall not exceed one dollar each for all the papers issued and served by them, and in no case to exceed the amount of the plaintiff's damages.

Section 7. BE IT FURTHER ENACTED, That this act shall not take effect till thirty days after its passage.

Section 8. BE IT FURTHER ENACTED, That the provisions of this act shall only apply to the County of Colbert.

Section 9. BE IT FURTHER ENACTED, That all laws and parts of laws in conflict with the provisions of this act be, and the same are, hereby repealed.

State of Alabama, }
Montgomery County. }

Before me, the undersigned authority in and for said state and county, personally appeared W. F. Miller, who upon oath, says he is the editor and publisher of Colbert County Reporter a newspaper published in Tuscumbia, Colbert county, Alabama, and affiant has personal knowledge of the facts and truth of all statements in this affidavit, and affiant further says on oath, that the notice of the proposed bill, a copy of which is hereby attached was inserted, published and appeared in said Colbert County Reporter once a week for four consecutive weeks, in the issue of said newspaper on August 11, 18, and 25th and the 1st day of September, 1932.

W. F. MILLER,

Editor and Publisher of Colbert County Reporter.

Sworn to and subscribed before me this 9th day of September, 1932.

CYRUS B. BROWN,
Notary Public.

Also:

By Mr. Poole:

H. 339. To abolish the office of Deputy Solicitor of Butler County, Alabama, to fix the time when such office shall be abolished and to provide that such bill shall not affect any general, special or local laws except as herein provided for.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced during the special session of the Alabama Legislature which will convene on August 16th, 1932, which said bill will provide in substance:

AN ACT

To abolish the office of Deputy Solicitor of Butler County, Alabama, to fix the time when such office shall be abolished and to provide that such bill shall not affect any general, special or local laws except as herein provided for.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the office of Deputy Solicitor for Butler County, Alabama, be and the same is hereby abolished, effective on the first Monday after the second Tuesday in January in 1935.

Section 2. That all laws, local, special or general, in conflict with the provisions of this Act and only such laws as are in conflict are hereby repealed.

State of Alabama, }
Butler County. }

Personally appeared before me, Ennis Hazel Bryan, a Notary Public in and for said State and County, F. W. Stanley, who being by me first duly sworn doth depose and say that he is one of the Editors of The Greenville Advocate, a weekly newspaper published in the City of Greenville, Butler County, Alabama, and that the attached legal notice was published in said The Greenville Advocate for 4 successive weeks, said notice having been published in the issues of Aug. 17, 1932, and Aug. 24, 1932, Aug. 31, 1932, and Sept. 7, 1932, being numbers 46, 47, 48, 49, respectively of Volume LXVII.

F. W. STANLEY.

Sworn to and subscribed before me, this 7th day of Sept., 1932.

ENNIS HAZEL BRYAN,

Notary Public.

(Seal)

Also:

By Mr. Poole:

H. 340. To create the office of County Solicitor of Butler County, Alabama, to provide for the election of such officer by the qualified voters of said county, to prescribe his powers, duties and qualifications, provide for his compensation, fix the term of his office, provide for his election, the time of the election of his successor and to repeal all general and local laws in conflict herewith so far as they relate to said county.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced during the special session of the Alabama Legislature which will convene on August 16, 1932, which said bill will provide in substance:

AN ACT

To create the office of County Solicitor of Butler County, Alabama, to provide for the election of such officer by the qualified voters of said county, to prescribe his powers, duties and qualifications, provide for his compensation, fix the term of his office, provide for his election, the time of the election of his successor and to repeal all general and local laws in conflict herewith so far as they relate to said county.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established the office of County Solicitor for Butler County, Alabama.

Section 2. That the term of such office shall be four years. That a County Solicitor, whose office is hereby created, shall be elected by the qualified voters of said county at the general election to be held in November 1934, and every four years thereafter. The County Solicitor elected under the provisions of this act shall take office on the first Monday after the second Tuesday in January, 1935, and shall serve until his successor is elected and qualified.

Section 3. The County Solicitor, whose office is hereby created, must be learned in the law, must be licensed to practice law in the State of Alabama, and must be a qualified elector of Butler County, Alabama.

Section 4. That the office of County Solicitor shall be clothed with all the powers and charged with all the duties now given or imposed upon the Deputy Solicitor of Butler County, Alabama, by any laws now in force or which may be given or imposed by any laws hereafter passed and adopted by the Legislature of this State.

Section 5. That the County Solicitor of Butler County, Alabama, shall receive a salary of Twelve Hundred Dollars per year, to be paid out of the General Fund of said county, in twelve equal installments, in the same manner as was paid the Deputy Solicitor of said county prior to the abolition of said office.

Section 6. That if any section, clause, or provision of this Act is held unconstitutional or void, the remaining sections, clauses, and provisions shall in nowise be affected.

Section 7. That all laws and parts of laws, both local and general, which conflict with the provisions of this Act are hereby repealed in so far as they relate to Butler County, Alabama.

State of Alabama, }
Butler County. }

Personally appeared before me, Ennis Hazel Bryan a Notary Public in and for said State and County, F. W. Stanley who being by me first duly sworn doth depose and say that he is one of the Editors of The Greenville Advocate, a weekly newspaper published in the City of Greenville, Butler County, Alabama, and that the attached legal notice was published in said The Greenville Advocate for 4 successive weeks, said notice having been published in the issues of Aug. 17, 1932 and Aug. 24, 1932, Aug. 31, 1932 and Sept. 7, 1932, being numbers 46, 47, 48, 49, respectively of Volume LXII.

F. W. STANLEY.

Sworn to and subscribed before me, this 7th day of Sept., 1932.

ENNIS HAZEL BRYAN,
Notary Public.

Also:

By Mr. Tidwell:

H. 112. To regulate and limit the use of the public highways in the State by motor trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, courts of county commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof or certain of such provisions, and to repeal an Act entitled "An Act to prescribe the maximum size, width, length and weight, including load, limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State, and to prescribe penalties for violations of this Act", and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency.

J. H. Stewart,
Clerk.

HOUSE BILL

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committees as follows:

H. 202, to the Committee on Banking and Insurance.

H. 335, H. 339, and H. 340, to the Committee on Local Legislation.

H. 112, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 127. To amend Section 7019 of the 1923 Code of Alabama.

Also:

H. 145. To define Burial Companies, Associations and Societies; to provide for the regulation of such Companies, Associations and Societies, to fix a standard of solvency for such Companies, Associations and Societies, and to further provide for the general revenue of the State by taxation of such Companies, Associations and Societies, and the fixing of a license fee upon their agents, to provide penalties for the violation of this Act, and to repeal all existing laws relating to or governing Burial Insurance Companies, Associations and Societies.

Also:

H. 221. To amend Sections 3, 6 and 7 of an Act entitled, "An Act to authorize the courts of County Commissioners, Boards of Revenue and Road Commissioners, or other governing bodies of like jurisdiction in all counties which now have or hereafter may have a population of not less than 105,000 and not more than 300,000 according to the last or any succeeding Federal Census, to establish and designate in all State and County elections, general, primary and **special one or more voting places in all election precincts** outside of the incorporated limits of each incorporated city or town in said counties, when it is deemed necessary for the convenience of the voters therein, and one voting place in each election ward in any incorporated city or town in said counties, and to authorize the Board of Commissioners of each incorporated city or other governing body of like jurisdiction of any city or town, to establish and designate a voting place in each ward in said city or town at which the qualified voters in such wards shall cast their ballots, and to require the Probate Judge of such counties to separate the list of qualified voters voting in those wards or districts that lie within the city limits or that are commonly known and considered as city wards or districts in groups in alphabetical order so that no group shall contain more than three hundred qualified voters, and in each State and County election to establish a voting place in each city ward, and

to require the probate judge in such counties to furnish the election managers of city wards or districts a list of qualified voters in groups as herein provided, and to provide for the method of payment to the probate judge for the furnishing of said lists, and to require voters in city wards or districts in all elections to vote in the voting places assigned to them in alphabetical groups, and to require the legally constituted Boards or Committees by whatever name called authorized and empowered by law to appoint election officials to appoint sets of election officials for each group of three hundred qualified voters arranged alphabetically," approved May 28, 1931 (General Acts, 1931, page 269).

Also:

H. 225. To provide for the election of a County Superintendent of Education by qualified electors of Clarke County, to fix his term of office, to designate the time of said election, the time at which he shall assume the duties of said office, to prescribe the salary of said superintendent and manner of payment thereof, to define his qualifications, powers and duties, to provide for filling vacancy in said office, to require said superintendent to give bond, to prescribe the nature and amount of said bond and how the premium on same shall be paid.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills the titles of which are set out in the foregoing message from the House.

ORDERED TO PRINT

On motion of Mr. Jordan, 200 copies of the bill:

H. 112. To regulate and limit the use of the public highways in the State by motor trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, courts of county commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof or certain of such provisions, and to repeal an Act entitled "An Act to prescribe the maximum size, width, length and weight, including load, limits of motor vehicles

and combination of motor vehicles, operating upon the public highways of this State, and to prescribe penalties for violations of this Act," and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency.

Were ordered printed for use of the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 105. To amend Section 246 of the Educational Code of Alabama, approved August 27, 1927.

T. A. Goodwyn,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate signed the foregoing bill the title of which is set out in the foregoing report of committee on enrolled bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 56. Relative to the adjournment of the two Houses until Tuesday, September 27, 1932, at eleven o'clock, A. M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

BILLS ON THE THIRD READING

The bill:

H. 56. To authorize and provide for the issuance and sale of State bonds for the purpose of paying the outstanding debts of the State of Alabama as of September 30, 1932, as authorized by the Constitutional Amendment known as Article XXIII of the Constitution of Alabama and to authorize the Governor, in his discretion, to use the bonds as collateral security for any temporary loans that may be made to the State, the proceeds of which are to be used in paying the indebtedness due September 30, 1932, or any part of it.

Was taken up.

Mr. Scruggs offered the following substitute for said bill, to-wit:

SUBSTITUTE FOR HOUSE BILL NO. 56

Substitute H. 56 so as to read as follows:

"A BILL

To be entitled an Act to authorize and provide for the issuance and sale of State bonds for the purpose of paying the outstanding debts of the State of Alabama as of September 30, 1932, as authorized by the proposed Constitutional Amendment known as Article XXIII of the Constitution of Alabama and to authorize the Governor, in his discretion, to use the bonds as collateral security for any temporary loans that may be made to the State, the proceeds of which are to be used in paying the indebtedness due September 30, 1932, or any part of it.

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby authorized to be issued and sold interest bearing negotiable State bonds in an amount not to exceed the sum of Twenty Million Dollars (\$20,000,000.00) for the purpose of securing funds to pay the outstanding current debts of the State of Alabama to include the entire indebtedness due September 30, 1932.

Section 2. Said bonds, and interest thereon, when issued and sold, shall be exempt from all State, county and municipal taxes.

Section 3. The Governor, the State Auditor and the Attorney General of Alabama, are hereby constituted a Bond Commission with full authority to have executed, issued and to sell the bonds herein authorized. No member of the Bond Commission shall receive compensation in any form for any duty rendered by him in and about the issuance or sale of these bonds. The Commission shall meet at the call of the Governor, who is hereby constituted its Chairman, and the Commission shall elect a Secretary of the Commission.

Section 4. Two members shall constitute a quorum of the Bond Commission for the transaction of business and all proceedings had and done by said Bond Commission must be reduced to writing by the Secretary and recorded in a substantially bound book and a true copy of such proceedings shall be certified to the State Treasurer by the Chairman of said Bond Commission and attested by the Secretary of the Commission.

Section 5. The bonds hereby authorized shall be executed, sold and delivered on behalf of the State of Alabama from time to time and shall be in such denominations and numbers and series, and shall mature at such times and bear such rate of interest, not exceeding six per cent (6%) per annum payable semi-annually, as may be deemed expedient by the Bond Commission, but such bonds shall not be sold for less than the par value thereof. Bonds may be issued in denominations as low as Fifty Dollars (\$50.00) and may, in the discretion of the Bond Commission, be sold at par to the

person who holds a warrant or claim against the State. The Governor may, with the approval of the Bond Commission, in his discretion, borrow such sums of money as he may find necessary and expedient to pay the indebtedness due September 30, 1932, or any part thereof, such loan to be for such period of time as he may arrange and may use the bonds herein provided for as collateral security for the repayment of said loan and in that event the interest coupons shall be used in paying the interest on said temporary loans as may be necessary.

Section 6. Such bonds shall be signed by the Governor, the State Auditor and State Treasurer and shall have attached thereto, attested by the Secretary of State, the Great Seal of the State of Alabama. Coupons shall be numbered and signed by the State Treasurer; provided, however, that the facsimile copy of the Treasurer's signature upon the interest coupons upon said bonds may be lithographed in lieu of signing the same.

Section 7. That payment for said bonds shall be made to the State Treasurer and a record and registration of said bonds shall be kept by the State Treasurer. The fund derived from the sale of such bonds shall be deposited in the Treasury and designated as "Debt Amendment Fund" and shall be immediately applied to the payment of the warrants and other debts of the State outstanding on September 30, 1932; or bonds may be delivered to the persons holding such warrants and, where warrants have not been issued for claims against the State, warrants may be issued as now provided by law and such warrants taken up by the Treasurer upon the delivery of bonds therefor as hereinabove provided.

Section 8. The bonds issued under this Act shall be a direct obligation of the State and the full faith and credit of the State is pledged to the prompt payment of the principal and interest thereof. The bonds provided for by this Act shall be issued under the authority of the amendment to the Constitution known as Article XXIII, authorizing the issuance and sale of interest bearing negotiable bonds in an amount not to exceed Twenty Million Dollars (\$20,000,000.00).

Section 9. Said bonds shall be entitled to the full benefit of the sinking fund provided by said Constitutional Amendment.

Section 10. Said bonds shall be negotiable instruments issued in coupon form with the privilege of registration as to principal or as to principal and interest. The Bond Commission is authorized to prescribe regulations for registering the bonds and to fix a charge not to exceed fifty cents (50c) per Thousand Dollars (\$1,000.00) for each registration.

Section 11. Said bonds shall be made payable in gold coin of the United States of the present standard of weight and fineness, or its equivalent in the lawful currency of the United States.

Section 12. The principal and interest on said bonds shall be payable at the office of the State Treasurer or at the place of busi-

ness of the State Fiscal Agent in the City of New York at the option of the holder.

Section 13. This Act shall become operative immediately upon the proclamation of the Governor declaring that the qualified electors of the State of Alabama have ratified Constitutional Amendment XXIII authorizing the issuance of these bonds, and in the event the said Constitutional Amendment is not approved by the qualified electors of the State of Alabama as an amendment to the Constitution, this Act shall be null and void."

Which was adopted.

Yeas, 28; nays, 1.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Mullins
Beasley	Delony	Hooton	Powell
Brown	Duncan	Jordan	Scruggs
Caffey	Farmer	Kelley	Shepherd
Cooper	Fletcher	Lapsley	Walker
Cowart	Garrett	McDaniel	Warren
Craft	Goodwin	Millsap	Wikle

—28

Nay: Mr. Bonner.

— 1

And said bill, as thus amended was read a third time at length and passed.

Yeas, 29; nays, 2.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Millsap
Beasley	Duncan	Hooton	Mullins
Brown	Edmundson	Hubbard	Powell
Caffey	Farmer	Jordan	Scruggs
Cooper	Fletcher	Kelley	Walker
Cowart	Garrett	Lapsley	Warren
Craft	Goodwin	McDaniel	Wikle
Darden			

—29

Nays: Messrs. Bonner and Teasley.

— 2

The bill:

S. 158. To amend Section 3119, Code of Alabama, 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Millsap
Beasley	Delony	Hubbard	Mullins
Bonner	Duncan	Jordan	Scruggs
Brown	Farmer	Kelley	Walker
Caffey	Fletcher	Lapsley	Warren
Cowart	Garrett	McDaniel	Wikle
Craft	Goodwin		

—26

The bill:

S. 157. To amend Section 5555 of the Code of Alabama, 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 0.

Yeas.

Messrs.:

Bartlett	Darden	Hildreth	Scruggs
Beasley	Delony	Hooton	Teasley
Bonner	Duncan	Hubbard	Walker
Brown	Farmer	Jordan	Warren
Caffey	Garrett	Lapsley	Wikle
Cowart	Goodwin	Millsap	

—23

The bill:

H. 300. To amend Section One of an Act entitled "An Act to provide for the suspension of imposition or execution of sentences and the placing of defendant upon probation; and to prescribe and give power to the State Courts to suspend imposition or execution of sentences and to place defendant upon probation and to give said Courts power of revocation and modification of probation; and to prescribe the duties of probationers, passed July 14, 1931.

Was taken up.

Mr. Bonner moved that said bill be indefinitely postponed.

Mr. Powell moved to table the motion of Mr. Bonner, which motion prevailed and the motion to indefinitely postpone was laid on the table.

Yeas, 22; nays, 9.

Yeas:

Messrs.:

Bartlett	Farmer	Kelley	Powell
Beasley	Garrett	Lapsley	Shepherd
Craft	Goodwin	McDaniel	Teasley
Delony	Hildreth	Millsap	Warren
Duncan	Hooton	Mullins	Wikle
Edmundson	Jordan		

—22

Nays:

Messrs.:

Bonner	Cowart	Hubbard	Scruggs
Caffey	Darden	Riddle	Walker
Cooper			

— 9

Said bill was then read a third time at length and passed.

Yeas, 22; nays, 9.

Yeas:

Messrs.:

Bartlett	Farmer	Kelley	Powell
Beasley	Garrett	Lapsley	Shepherd
Craft	Goodwin	McDaniel	Teasley
Delony	Hildreth	Millsap	Warren
Duncan	Hooton	Mullins	Wikle
Edmundson	Jordan		

—22

Nays:**Messrs.:**

Bonner
Caffey
Cooper

Cowart
Darden

Hubbard
Riddle

Scruggs
Walker

— 9

The bill:

H. 121. To amend Section seven of Section 7407 of the Code of Alabama, 1923.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:**Messrs.:**

Bartlett
Beasley
Brown
Caffey
Cooper
Cowart

Darden
Delony
Duncan
Farmer
Fletcher
Garrett

Goodwin
Hildreth
Hooton
Hubbard
Jordan
Kelley

Mullins
Powell
Scruggs
Teasley
Warren
Wikle

—24

The bill:

H. 186. To provide for the levy, assessment and collection of Estate Taxes in the State of Alabama.

Was taken up.

Mr. Scruggs, offered the following substitute for said bill to-wit:

A BILL

To be entitled an Act to provide for the levy, assessment and collection of Estate Taxes in the State of Alabama.

Be it enacted by the Legislature of Alabama:

SECTION 1. Subject to the exceptions hereinafter stated, there is hereby levied and imposed upon all net estates passing by will, devise, or under the interstate laws of the State of Alabama, or otherwise, which are lawfully subject to the imposition of an estate tax by the State of Alabama, a tax equal to the full amount of state tax permissible when levied by and paid to the State of Alabama as a credit or deduction in computing any federal estate tax payable by such estate according to the Act of Congress in effect, on the date of the death of the decedent, taxing such estate, with respect to the items subject to taxation in Alabama.

The tax hereby imposed shall not exceed in the aggregate amounts which may by any law of the United States be allowed to be credited against or deducted from such federal estate tax. The estate tax hereby levied shall be levied only so long as and during the time an inheritance or estate tax is enforced by the United States against Alabama inheritances or estates, and shall only be exercised or enforced to the extent absorbing the amount of any deduction or credit which may be permitted by the laws of the United States now existing or hereafter enacted to be claimed by reason thereof as deduction or credit against such similar tax of the United States ap-

plicable to Alabama inheritances or estates. The rates of taxation and the definition of "net estate" and the methods of arriving thereat shall be as provided in such Act of Congress.

SECTION 2. The term "executor" or "administrator" or "legal representative" used interchangeably in this Act shall be held to mean the executor and/or administrator or trustee and/or legal representative of the decedent whose estate is subject to an estate tax under this Act. In the case no executor or administrator is appointed and qualified, then the term "executor" as used herein shall be held to mean any person in actual or constructive possession, and acting for any estate subject to tax under this Act.

SECTION 3. That it is hereby made the duty of the Executor of the estate of any person who has died a resident of Alabama, and upon which estate the tax imposed under any federal revenue act, has not been paid, and the Executor of any person who may hereafter die a resident of this State, and whose estate is subject to the payment of a Federal Estate Tax, to file with the State Tax Commissioner of Alabama within thirty days a duplicate of all the returns which he is required to make to the Federal authorities for the purpose of having the estate taxes determined.

When such duplicate return is filed with the State Tax Commissioner, he shall compute the amount of tax that would be due upon said return as Federal Estate Taxes imposed under the Federal Revenue Act of February 26, 1926, upon the property of said estate taxable in the State of Alabama, and assess against said estate as Estate Tax for the State of Alabama, the amount levied and found to be due under the provisions of this Act.

Provided, That if after any duplicate returns, herein required, and the assessment of the State estate taxes upon basis of return made, the Federal authorities shall increase or decrease the amount of the Federal Estate tax, an amended return shall be filed with the State Tax Commissioner, showing all the changes made in the original return and the amount of increase or decrease in the Federal Estate Tax, and Commissioner shall assess against said estate the additional amount found to be due hereunder. In the event of a decrease in the Federal Estate Tax the State shall refund to said estate its proportion of said decrease.

SECTION 4. The tax imposed by this Act shall be due and payable on or before one year after the decedent's death, and shall be paid by the personal representative to the State Tax Commissioner, provided, however, that where the State Tax Commissioner finds that the payment on the due date of any part of the amount due would impose undue hardship upon the estate, the Commissioner may extend the time for payment of all or any part, not to exceed five years from the original due date. In such case the amount or amounts in respect of which the extension is granted shall be paid on or before the dates thus fixed, unless further extended within said limitation as to time.

If the time for payment is extended, there shall be collected in addition to the tax, interest thereon at the rate of eight per centum (8%) per annum from the original due date of the tax to the date of payment. The State Tax Commissioner may, in his discretion, accept such security as he may approve, for the deferred payments, or may release any part of remainder of the estate from any claim or lien for the payment of the tax.

SECTION 5. In the event that the Federal authorities shall, after the filing of the return with the State Tax Commissioner, increase or decrease the amount of the Federal Estate Taxes as a result of appeal or otherwise, an amended return shall be filed with the State Tax Commissioner showing all the changes made in the original return and the amount of final increase or decrease in the Federal Estate Tax.

If the amended return shall show an increase in the amount of the Federal Estate Tax, the State Tax Commissioner shall assess against and there shall be payable in respect to said estate any deficiency in the tax theretofore paid or assessed.

If the amended return shall show a decrease in the Federal Estate Taxes, the State Tax Commissioner, on receipt of appropriate certificate of refund, abatement or recovery, shall forthwith certify the amount of such refund found to be due to such estate to the State Auditor, who, upon receipt of such certificate of refund due, shall issue his warrant for the amount shown in said certificate, payable to the person legally authorized to receipt for such refund, such payment to be made from the General State Funds.

SECTION 6. The amount of the estate taxes imposed by this Act and any deficiency in respect thereof shall be assessed within three years after the return is filed and no proceeding in court or assessment for the collection of such taxes shall be begun after the expiration of three years after the return is filed.

SECTION 7. RELATING TO NON-RESIDENT DECEDENTS: (1) Except as herein otherwise provided, all of the provisions of this Act shall be applicable to so much of the estates of non-resident decedents as is subject to estate tax under the Act of Congress in effect at the time of the death of decedent as consists of real estate or tangible personal property located within this State, or other item of property or interest therein lawfully subject to the imposition of an estate tax by the State of Alabama.

(2) In assessing the tax upon any real estate or tangible property located within this State, belonging to the estate of a non-resident decedent, which shall pass by will, or devise by the laws of intestacy, the State Tax Commission shall determine the tax due to be such proportion of the Federal Estate Tax as would be leviable upon an estate of similar taxable net value, less that proportion of any exemption to which the estate is entitled, which the actual value of the real estate and tangible personal property located within this

State belonging to the estate of the non-resident decedent bears to actual value of the gross estate of the non-resident decedent wherever situate whether in this State or not.

(3) No tangible personal property located within this State, belonging to the estate of a non-resident decedent and taxable under this Act, shall be transferred or delivered to any person except a legal representative of the estate of said deceased duly appointed whether in this State or in the State of the decedent's domicile by a court having jurisdiction for the purpose.

(4) Such property shall not be transferred or delivered to a foreign legal representative until the tax has been paid, except under such conditions and after giving such security as the State Tax Commissioner may agree upon. Any person or corporation which shall transfer or deliver or having control thereof shall permit the transfer or delivery of any such property to any person other than a resident legal representative before such tax has been paid shall be liable for the tax and additional penalty of not more than one thousand dollars in an action brought by the State Tax Commissioner for the use of the State.

(5) Legal representatives shall be liable for such tax upon and to the extent of all such property which shall come into their hands as such, with interest as hereinafter provided.

(6) Every person having in his possession or control any tangible personal property belonging to the Estate of a non-resident and taxable under this Act, shall, unless the property is delivered to a resident legal representative within thirty days after the death of the owner, notify the State Tax Commissioner and prepare and transmit to him an itemized schedule of the property. If the tax is not paid or a resident legal representative appointed within one year after the owner's death, the Circuit Court of the County of Montgomery in equity shall, upon petition of the State Tax Commissioner, appoint a resident legal representative, or a special legal representative, as the circumstances of the case may require, to whom the property shall be transferred, whose duty it shall be to collect and pay the tax and to account for the balance of the property according to law under order of the court.

(7) All taxes imposed by this Act in relation to estates of non-resident decedents shall be due and payable at the time of the death of the decedent, and if not paid within one year thereafter, unless the time for payment shall be extended, interest at the rate of (twelve per cent) per annum shall be charged and collected from the expiration of one year after the death of the decedent and said taxes and interest shall be and remain a lien on the property transferred until the same are paid.

(8) Real estate and tangible personal property within the jurisdiction of this State, except as otherwise provided, belonging to non-residents which shall pass by deed, grant, bargain, sale, or gift, made

in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, shall be subject to the same tax imposed upon transfers hereinbefore described by this Act. The taxes upon such transfer shall become due and payable at once upon the death of the grantor or donor, and if not paid within one year from the death of the grantor or donor, unless the time for payment shall be extended, shall be subject to interest as aforesaid after the expiration of said period, until paid. Said taxes and interest shall be a charge against the persons receiving such property and the property transferred shall be subject to a lien to secure its payment. All persons or corporations within the jurisdiction of the State in whose possession or control any such property so transferred or to be transferred remains at the time of the death of the grantor, or donor, shall be subject to all the duties, liabilities, and penalties, imposed herein upon persons having the possession or control of personal estate of such decedent.

(9) A resident legal representative holding personal property of a deceased non-resident subject to said tax shall deduct the tax therefrom or collect it from the legal representative in the State of the decedent's domicile, and shall not deliver such property to his or any other person until he has collected the tax and paid the same to the State Tax Commissioner. When the transfer of such personal property is subject to a tax under the provisions of this Act and the legal representative in the State of domicile neglects or refuses to pay the tax upon demand, or if for any reason the tax is not paid within one year after the decedent's death, or with the time extended, the resident legal representative may, upon such notice as the Circuit Court of the County of Montgomery may direct, be authorized to sell such property, or, if the same can be divided, such portion thereof as may be necessary, and shall deduct the tax from the proceeds of such sale and shall account for the balance, if any, in lieu of the property. When a conveyance made by non-resident decedent in his lifetime is subject to said tax, the resident legal representative shall collect the taxes due on account of such conveyance and may be authorized to sell any property subject to the lien of such tax, as in other cases.

(10) The State Tax Commissioner shall determine the amount of all taxes due and payable under the provisions of this Act in relation to non-resident decedents and shall certify the amount due and payable to the resident legal representative, if any, otherwise, to the person or persons by whom the tax is payable.

(11) The State Tax Commissioner, whenever he has knowledge or reasons to believe that any person, firm or corporation has in his, its, or their possession or control any tangible personal property belonging to the estate of a deceased non-resident upon or in respect to which the tax has not been paid and a schedule of which has not been furnished, as herein provided, or that any such person, firm or corporation has received a transfer or delivery of such property or

made such a transfer or delivery (except to a resident legal representative) upon which or in respect to which the tax has not been paid, as herein provided, or that such person, firm or corporation has knowledge of a transfer or delivery of any such personal property, of such non-resident decedent in his lifetime, by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, or has possession or control of property so transferred, may require such person or any member of such firm or any officer of such corporation to appear at the office of the State Tax Commission at Montgomery, at such time as the State Tax Commissioner may designate, and then and there to produce for the use of the department all books or papers which may be in the possession or control of such person, firm or corporation relating to such property or transfer or delivery and to furnish such other information relating to the same as he may be able and the department may require. Whenever the State Tax Commissioner shall require the attendance of any person, as herein provided, he shall issue a notice stating the time and place when such attendance is required, and shall transmit the same by registered mail, or cause a copy of the same to be given in hand, to such a person at least fourteen days before the date when such person is required to appear. If any person receiving such notice shall neglect or fail to attend or to give attendance so long as may be necessary, for the purpose for which the notice was issued, or refuses to furnish such books or papers or give such information, or if a corporation or firm whose officer or member is thus summoned refuses to permit him to produce such books, or papers, as are called for and are within the control of the corporation, or firm, such person, firm, or corporation shall be liable to a penalty of twenty-five dollars for each offense, which may be recovered by the State Tax Commission for the use of the State. Any person attending in response to summons as herein provided shall thereafter be entitled to the same travel and witness fees as are allowed to witnesses summoned to testify on behalf of the State in other cases. The State Tax Commission may commence an action for the recovery of any taxes assessable hereunder at any time after the expiration of one year from the death of the decedent.

(12) The tax imposed under this Act in respect of personal property (except tangible personal property having an actual situs in this State), shall not be payable (a) if the transferror at the time of his death was a resident of a state or territory of the United States, or the District of Columbia, which at the time of his death did not impose a death tax of any character in respect of property of residents of the State of Alabama (except tangible personal property having an actual situs in such state, territory or district), or (b) if the laws of the state, territory or district of the residence of the transferror at the time of his death contained a reciprocal exemp-

tion provision under which non-residents were exempted from said death taxes of every character in respect of personal property (except tangible personal property having an actual situs herein), and providing that the state, territory or district of the residence of such non-resident decedent allowed a similar exemption to the residents of the state, territory or district of residence of such decedent.

SECTION 8. The amount of the estate taxes imposed by this Act and any deficiency in respect thereof shall be assessed within three days after the return is filed and no proceedings in court or assessment for the collection of such taxes shall be begun after the expiration of three years after the return is filed.

SECTION 9. Upon the failure to make and file with the State Tax Commissioner of Alabama the reports herein required of the legal representative of any estate against which a tax is required herein to be paid to the State of Alabama within twelve months from the qualification of the legal representative, such estates may be appraised and assessed for the estate taxes herein levied by the State Tax Commissioner, and/or his authorized representative or agent who shall have full power and authority to require the production of all evidence that will enable him or his agent to determine the value of all property of any such estate subject to be taxed under this Act.

SECTION 10. The tax imposed on the estates under the provisions of this Act, after tentative notice and opportunity to protest, if return has been made as contemplated hereby, shall have a full force and effect of a judgment on which execution may be issued by the State Tax Commissioner, and if a legal representative of any estate taxable under this Act fails to pay the amount assessed against such estate within six months after notice from the proper authorities as to the amount to be paid, or twelve months after the death of the decedent, whichever is later, provided that no extension be granted in respect to the whole or any part of the tax, the State Tax Commissioner is hereby authorized and it shall be his duty to issue execution directed to the sheriff of any county in the State of Alabama in which any of the property of the estate is located, for the amount of such tax against said estate which execution shall be enforced by levy and sale and the amount due shall bear interest at the rate of 1% per month until paid.

SECTION 11. Any and all expenses incurred by the State Tax Commission in the administration of this Act shall be paid out of the money collected under the provisions herein. All moneys collected hereunder by the State Tax Commission, shall be, without delay, covered into the State Treasury and a receipt taken therefor, to the credit of the General Fund of the State.

SECTION 12. LIENS: The State of Alabama shall have a lien for all taxes and interest thereon which are or may become due hereunder on all property which a decedent dies seized or possessed

of subject to taxes under this Act, in whatever form of investment it may happen to be, and all property acquired in substitution therefor.

SECTION 13. The tax hereby levied, being based and conditioned upon the levy of a similar tax by the United States, in the event that, after due return made the final assessment of the tax or final agreement as to the value of the estate for the purposes of such Federal tax shall not have been arrived at when payment would otherwise become due or delinquent hereunder, then and in such event the time for payment of the tax due hereunder shall, on showing being made to the State Tax Commissioner, be extended until final agreement, determination or assessment of the tax or value of the estate for the determination of the tax shall have been made for purposes of such Federal tax, Provided, that the State Tax Commissioner may demand and require the payment of such amount of the tax as he may determine will not be in excess of the total tax that will be due the State of Alabama under this Act, as shown by the tax return made, when the final determination of the amount of the assessment of the tax shall have been made for Federal tax purposes.

SECTION 14. Where appropriate returns are made and information supplied by the legal representative of any estate subject to the tax imposed hereby, the State Tax Commission shall make final assessment of the tax due in time to enable such legal representative to make payment of the same and receive credit upon the Federal tax. No interest or penalty shall accrue for any period prior to such final assessment. The State Tax Commissioner may adopt the valuation arrived at by the Federal authorities, as the base for the tax hereunder.

SECTION 15. In the event that the estate of any decedent taxable hereunder shall include property situated outside of the State, the proportion of the Federal estate tax leviable hereunder against or in respect of the property of the estate subject to the tax imposed hereby shall be that proportion which the property of the estate within or subject to the tax jurisdiction bears to the gross value of the estate of the decedent not so subject to taxation, provided that where the reciprocal clause set up in Section 7 hereof applies, the full proportion of the Federal tax shall be assessed hereunder against such estate in the case of the estate of residents and no tax shall be leviable hereunder against the estate of non-resident decedents.

SECTION 16. The Probate Judge of every county of the State, shall report to the State Tax Commission on forms provided for the purpose, every qualification as executor upon the estate of a decedent in such court. Such report shall be filed with the Commission not less than once every month, and shall contain the name of the decedent, the date of his death and the name and address of the executor. Such report shall also contain the name of all decedents whose wills are probated in the court, upon which no qualification

is had, the names and addresses of the beneficiaries under such wills and the value of the property passing under such wills.

SECTION 17. The administration of this Act is vested in and shall be exercised by the State Tax Commissioner, who shall prescribe the forms and reasonable rules of procedure in conformity with this Act for making of returns and for ascertainment, assessment and collection of the taxes imposed hereunder.

SECTION 18. Be it further enacted, that if any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of contempt jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clauses, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Which was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Goodwin	Powell
Beasley	Darden	Hildreth	Riddle
Bonner	Delony	Hooton	Scruggs
Brown	Duncan	Hubbard	Teasley
Caffey	Farmer	Kelley	Walker
Cooper	Fletcher	Mullins	Wikle
Cowart	Garrett		

—26

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Cowart	Goodwin	Powell
Beasley	Craft	Hooton	Scruggs
Bonner	Darden	Hubbard	Teasley
Brown	Duncan	Kelley	Walker
Caffey	Farmer	Mullins	Wikle
Cooper	Garrett		

—22

The bill:

S. 118. To prohibit any person, except a duly appointed agent or employee of an organized hunting and/or fishing club, in the State of Alabama from accepting as informer's fee any part of any fine imposed on persons violating the game and fish laws of this State. To require courts and/or clerks of courts imposing fines for game and fish violations to remit same to the Commissioner of Game and Fisheries, which fines shall be disposed of by said Commissioner as provided by law; and providing penalties for violation of this Act and providing for repeal of all laws in conflict with the provisions of this Act.

Was taken up.

Mr. Hildreth offered the following amendment to said bill to-wit:
Amend S. 118 by striking out of the caption to said bill the following "except a duly appointed agent or employee of an organized hunting and/or fishing club.

Which was adopted.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Beasley	Delony	Hildreth	Riddle
Brown	Duncan	Hooton	Scruggs
Caffey	Farmer	Hubbard	Shepherd
Cooper	Fletcher	Jordan	Teasley
Cowart	Garrett	Kelley	Walker
Craft	Goodwin	Powell	Wikle
Darden			

—25

Mr. Hildreth also offered the following amendment to said bill to-wit:

Amend S. 118 by striking out of Section 1 of said bill all of said section beginning with the word "And such Warden," in line eleven thereof.

Which was adopted.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Goodwin	Powell
Beasley	Delony	Hildreth	Riddle
Brown	Duncan	Hooton	Scruggs
Caffey	Farmer	Hubbard	Shepherd
Cooper	Fletcher	Jordan	Walker
Cowart	Garrett	Kelley	Wikle
Craft			

—25

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Goodwin	Powell
Beasley	Darden	Hildreth	Riddle
Bonner	Delony	Hubbard	Shepherd
Brown	Duncan	Jordan	Walker
Caffey	Farmer	Kelley	Wikle
Cowart	Garrett	Mullins	

—23

MOTION TO DISCHARGE CONFERENCE COMMITTEE

Mr. Walker moved that the Conference Committee heretofore appointed on part of the Senate on the disagreement of the two Houses on the House Amendment to the bill:

S. 1. To amend Section One of an Act approved January 28th, 1927, and entitled: "An Act to provide for the expenses incurred by

members of the Legislature of Alabama while in attendance upon sessions of the Legislature."

Be discharged.

Mr. Farmer, as a substitute for the motion of Mr. Walker, moved that the conferees on part of the Senate make another effort to meet the Conference Committee of the House and that the Senate Conferees insist on the provisions of the original bill; but, in the event they cannot agree with the House committee to accept the original bill, that the Senate Conferees bring in a recommendation that the expenses of the members of the Senate be fixed at two dollars per day, and that of the members of the House at Three Dollars per day.

Mr. Teasley moved to table the motion of Mr. Farmer, which motion prevailed and the motion of Mr. Farmer was laid on the table.

Yeas, 24; nays, 7.

Yeas:

Messrs.:

Bartlett	Delony	Jordan	Riddle
Beasley	Edmundson	Kelley	Scruggs
Brown	Fletcher	Lapsley	Shepherd
Caffey	Garrett	Millsap	Teasley
Craft	Goodwin	Mullins	Walker
Darden	Hubbard	Powell	Wikle

—24

Nays:

Messrs.:

Bonner	Cowart	Farmer	Hooton
Cooper	Duncan	Hildreth	

— 7

The question then recurred on the motion of Mr. Walker that the conference committee on part of the Senate be discharged, which motion prevailed and said committee was discharged.

Mr. Teasley then moved that the Senate concur in the following amendment by the House to S. 1, the title of which is set out above, to-wit:

Amend S. 1 by striking out the words and figures: "two dollars (\$2.00)" and insert in lieu thereof the words and figures: "Three dollars (\$3.00)".

Which motion prevailed and said amendment was concurred in by the Senate.

Yeas, 20; nays, 11.

Yeas:

Messrs.:

Bartlett	Edmundson	Kelley	Scruggs
Beasley	Fletcher	Lapsley	Shepherd
Caffey	Garrett	Millsap	Teasley
Craft	Goodwin	Powell	Walker
Delony	Hildreth	Riddle	Wikle

—20

Nays:

Messrs.:

Bonner

Brown

Cooper

Cowart

Darden

Duncan

Farmer

Hooton

Hubbard

Jordan

Mullins

—11

BILLS ON THIRD READING RESUMED

The bill:

H. 241. To amend Section 9590 of the Code of Alabama of 1923.

Was read a third time at length and passed.

Yeas, 28; nays, 0.

Yeas:

Messrs.:

Bartlett

Beasley

Bonner

Brown

Caffey

Cooper

Cowart

Craft

Darden

Delony

Duncan

Farmer

Garrett

Goodwin

Hildreth

Hooton

Hubbard

Jordan

Kelley

Lapsley

Mullins

Powell

Riddle

Scruggs

Shepherd

Teasley

Walker

Wikle

—28

The bill:

S. 171. To amend an Act entitled: "An Act to create and establish an inferior statutory court in Limestone County, Alabama to be called The Municipal Court of Limestone County; to provide for and define the jurisdiction and powers of such court; to provide for a judge thereof and other officers, their term of office and the manner of the selection of such officers, and their powers, duties and compensation; to fix and define the fees and costs chargeable in said court; to provide rules of procedure in such court; to provide for registering of its judgments and the lien of such judgments, and to provide for the transfer of causes from any abolished court having the same jurisdiction to this court when created and established."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett

Beasley

Bonner

Brown

Caffey

Cooper

Cowart

Craft

Darden

Delony

Duncan

Edmundson

Farmer

Fletcher

Garrett

Goodwin

Hildreth

Hooton

Hubbard

Jordan

Kelley

Lapsley

McDaniel

Millsap

Mullins

Powell

Riddle

Scruggs

Shepherd

Teasley

Walker

Warren

Wikle

—33

The bill:

H. 289. To provide that the liabilities now existing and which were incurred prior to September 30, 1927, for the erection and equipment of public school buildings in towns of less than twenty-five hundred population may be absorbed by, and become obligations of, the County Boards of Education in the State of Alabama.

Was read a third time at length and passed.

Yeas, 27; nays, 1.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Powell
Beasley	Delony	Hooton	Riddle
Brown	Duncan	Hubbard	Scruggs
Caffey	Farmer	Jordan	Shepherd
Cooper	Fletcher	Kelley	Walker
Cowart	Garrett	Lapsley	Wikle
Craft	Goodwin	Millsap	

—27

Nay: Mr. Mullins.

—1

The bill:

H. 252. To authorize the State Board of Education and the Butler County Board of Education to appropriate money to the operation of the Georgiana Public School.

Was read a third time at length and passed.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Fletcher	Lapsley	Teasley
Cooper	Garrett	McDaniel	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden			

—33

The bill:

S. 170. To provide and require that the Court of Appeals must hereafter in all cases decided by it, either state in the body of its opinion or in a separate paper, state or set out the facts involved in the case before that court in which the opinion is rendered; to provide that said finding of facts by the Court of Appeals shall in any case when a writ of certiorari to the Supreme Court is applied for by any party to said cause, together with a copy of the opinion of the Court of Appeals, be certified by the Clerk of the Court of Appeals with the record in the case to the Supreme Court, and that upon the hearing of the application for the writ of certiorari before the Supreme Court it shall be the duty of the Supreme Court to look into and examine the record and ascertain and report in its opinion a true statement of facts in the case; to provide that the finding of the

facts or any fact set out or so ascertained and found by the Court of Appeals in its finding of facts in such case shall not carry with it any presumption of the correctness of the statement of facts or any part thereof as ascertained by the Court of Appeals; and to further provide that the Supreme Court on such hearing on application for such writ shall not be bound or held to a consideration of the facts as ascertained by the Court of Appeals, and to provide that this Act shall take effect immediately upon its passage and approval by the Governor.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Bonner	Duncan	Hubbard	Riddle
Caffey	Farmer	Jordan	Scruggs
Cowart	Garrett	Kelley	Walker
Craft	Goodwin	Lapsley	Wikle
Darden	Hildreth	Mullins	

—23

The bill:

S. 159. To authorize the State Auditor, with the approval of the Governor, to consolidate warrants heretofore or hereafter issued by him as provided by law and to issue in lieu thereof one warrant for the aggregate amount of warrants surrendered and cancelled as herein provided; to provide for the surrender and cancellation of said warrants; to require the auditor to keep a transfer register showing the number, amount and payee of warrants surrendered and cancelled and the number, amount and payee of warrants issued in lieu thereof; to provide that all warrants issued shall be countersigned by the Governor and attested by the Secretary of State under the seal of the State.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; nays, 0.

Yeas:

Messrs.:

Brown	Garrett	Jordan	Riddle
Caffey	Goodwin	Kelley	Scruggs
Cowart	Hildreth	Millsap	Teasley
Delony	Hooton	Mullins	Warren
Duncan	Hubbard	Powell	Wikle
Farmer			

—21

The bill:

S. 173. For relief of Dixie Chemical Products Co., Inc., and to authorize and empower the Board of Revenue of Morgan County, Alabama, to pay within its discretion, to the said Dixie Chemical Products Co., Inc., the sum of \$182.10 with interest from Jan. 23,

1922, which sum of money represents an account created by the County of Morgan through its Sheriff, J. V. May, which account has never been paid.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Fletcher	Lapsley	Teasley
Cooper	Garrett	McDaniel	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden			

—33

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 128. To authorize Boards of Revenue, or other like governing body, in all counties which now have a population of not less than Seventy-five Thousand, nor more than One Hundred and Ten Thousand persons, according to the last Federal Census, or according to any such census hereafter taken, to expend not exceeding Twenty-five Hundred Dollars in advance payment for hospital accommodation and services for the poor of such county.

Also:

S. 87. To better secure the administration of the financial affairs of the State and for that purpose to vest in the Governor certain powers and duties; to create the office, define the powers and duties and fix the salary of a State Comptroller; to provide for the transfer of the Department of Examiners of Accounts, its personnel, appropriations, records, equipment and other property, to the office of State Comptroller and to designate it as the Division of Departmental and County Audits; to abolish the Budget Commission, and to transfer the books, property and equipment of the Budget Commission to the office of the Comptroller; to relieve the State Auditor of certain duties and to provide for the transfer of certain employees and of unexpended balance of appropriations made for the salaries, together with certain books, records, documents, papers, office furniture and equipment and other property to the office of State Comptroller; to relieve the Board of Administration of certain duties and to provide for the transfer of certain employees and of unexpended balance of appropriations made for the salaries, together with certain books, records, documents, papers, office furniture and equipment and other property to the office

of the State Comptroller; to provide for the transfer of the Secretary of the Senate and Clerk of the House of Representatives to the State Comptroller's Office during such time as the Legislature is not in session; to repeal certain definite, indefinite and contingent permanent appropriations; to establish a State Budget System; to provide for the lapsing of appropriations; to provide for the transmission of the budget to the Legislature; to provide a method for securing estimates of appropriations and for estimates of income of the State; to provide a tentative budget and to provide for hearings on the same; to provide for transmission of the tentative budget to the Governor; to provide for prorating appropriations to prevent an overdraft or deficit in any fiscal year for which appropriations are made; to provide for allotting appropriations to departments, institutions, bureaus, boards, commissions and other state agencies; to provide emergency appropriations; to provide that money received by departments, institutions, bureaus, boards, commissions or other state agencies shall be deposited in the Treasury and to provide how the same shall be held and paid out; to prevent the wrongful expending of appropriations and to provide penalties and punishment; to establish a fiscal year for the State and all state agencies; to provide when this act shall go into effect and to provide for the repeal of certain laws in conflict with this act.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 56. To authorize and provide for the issuance and sale of State bonds for the purpose of paying the outstanding debts of the State of Alabama as of September 30, 1932, as authorized by the proposed constitutional amendment known as Article XXIII of the Constitution of Alabama and to authorize the Governor, in his discretion, to use the bonds as collateral security for any temporary loans that may be made to the State, the proceeds of which are to be used in paying the indebtedness due September 30, 1932, or any part of it.

Also:

H. 186. To provide for the levy, assessment and collection of "Estate Taxes in the State of Alabama.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the sixteenth legislative day, and finds same correct and containing all original entries and references thereto required by the Constitution.

Respectfully submitted,
Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read, and, on motion of Mr. Farmer, said report was concurred in and the Journal of the Senate for the sixteenth legislative day, approved.

ADJOURNMENT

At 12:15 P. M. on motion of Mr. Hooton and pursuant to joint resolution heretofore adopted, the Senate adjourned until Tuesday, September 27th, 1932, at 11 A. M.

SEVENTEENTH DAY

Tuesday, September 27th, 1932

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

By Dr. Donald C. MacGuire, of the First Presbyterian Church, of Montgomery.

ROLL CALL

Present:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Edmundson
Farmer
Faulk
Fletcher
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Jordan
Kelley
Lapsley
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

JOURNAL

On motion of Mr. Bartlett, the reading of the Journal of yesterday was dispensed with and the same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Fletcher:

S. 189. To amend sub-division 2 of Section 834 of the Code of Alabama of 1923.

Committee on Finance and Taxation.

By Mr. Teasley:

S. 190. To amend Section 22 of an act, relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney busses, trailers used on the public highway of Alabama, and for the registration or license fee therefor, and to further provide for the revenue of the State of Alabama," said Act being No. 290, General Acts of Alabama, approved September 13, 1923.

Committee on Finance and Taxation.

By Mr. Craft:

S. 191. To amend Section 240 of the Code of Alabama of 1923.

Committee on Finance and Taxation.

By Mr. Edmundson (by request):

S. 192. For the relief of W. T. Johnson; to provide for the refund of fifteen hundred and no/100 Dollars (\$1,500.00) being the proportionate part paid for a license to do business and such business was after prohibited by law before the time granted in the license had expired; to authorize the Auditor to issue a voucher for said amount, and to authorize the Treasurer of the State of Alabama to pay the same out of the General Fund.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Shepherd (with notice and proof):

H. 60. To fix the salary of the Tax Collector of Walker County, Alabama, and to provide for clerical assistance and other expenses; to require said Tax Collector to collect all fees, compensations, allowances and commissions heretofore collected by said Tax Collector from any and all funds and sources, including county, State and school funds and all other sources, and to pay same into the

County Treasury of Walker County, Alabama, and to provide for the payment of the salary, clerical assistance, and other office expense out of the general funds of Walker County, Alabama, and to fix the time this bill shall become a law.

By Mr. Shepherd (with notice and proof):

H. 58. To repeal an Act entitled "An Act to authorize the Sheriff of Walker County, Alabama to appoint two special and general deputies, fix their tenure of office, prescribe their duties, fix their compensation and to authorize and require the Court of County Commissioners to pay the same by warrants drawn on the Treasurer and paid out of the general funds of said county, and to require said deputies to give bonds in the sum of \$2,000.00 payable to said Sheriff with conditions as required by Section 2595 of the Code of Alabama of 1923." Approved February 27, 1927.

Mr. Riddle, Chairman of the Standing Committee on County and County Boundaries, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith (Lee), Gullatt, (Lee), Clayton (Russell), Wallace (Russell) (with notice and proof):

H. 376. To fix the just and equitable share of the county indebtedness of Lee County to be paid to Lee County by Russell County on account of the changes in the boundary lines between said Counties, and to authorize and require payment of such amount by Russell County to Lee County.

By Mr. Smith (Lee), Gullatt (Lee), Clayton (Russell), Wallace (Russell) (with notice and proof):

H. 375. To alter and re-arrange the boundary line between Lee and Russell Counties.

Mr. McDaniel, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Snodgrass:

H. 278. To amend Section 376 of the Code of Alabama, 1923, as amended by an Act of the Legislature of Alabama, approved August 20th, 1927, entitled: "An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923," found on page 274 of the Acts of 1927.

RESOLUTIONS

Mr. Jordan offered the following joint resolution:

S. J. R. 58. RESOLVED BY THE SENATE, the House concurring that when the two houses adjourn today, they adjourn to meet on Friday, September 30th, 1932, at 10 A. M.

Which was read and referred to the Standing Committee on Rules.

Mr. Lapsley offered the following joint resolution:

S. J. R. 59. WHEREAS the State of Alabama has incurred a large indebtedness which it is unable to promptly pay, and its credit is seriously impaired;

AND, WHEREAS, the citizens of the State are suffering from a prolonged depression in business, industry, and agriculture;

AND, WHEREAS, the financial recovery of the State as well as of its citizens is dependent upon a drastic reduction in all governmental expense;

AND, WHEREAS, the salary or compensation of certain officers of the State is not subject to be decreased by Act of the Legislature, during their present terms, by reason of the provisions of Sections 118, 150 and 281 of the Constitution;

THEREFORE, BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, that each such officer be and he is hereby urgently requested to voluntarily consent to a twenty per cent reduction in his salary or compensation, beginning with salary or compensation accruing on and after October 1st, 1932, and continuing for the remainder of his present term of office; and to that end that he forthwith file with the State Auditor his irrevocable written consent thereto, upon forms to be provided by the Auditor;

AND that the Auditor on November 1st, 1932, make a written report to the Governor of the names of the officers complying with the terms of this resolution, and that a copy of such report be filed and recorded in the office of the Secretary of State.

Which was read and referred to the Standing Committee on Rules.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said committee, in session, have compared the following engrossed bill with the original bill, and finds same correctly engrossed, to-wit:

S. 118. To prohibit any person, in the State of Alabama from accepting as informer's fee any part of any fine imposed on persons violating the game and fish laws of this State. To require courts and/or clerks of courts imposing fines for game and fish violations to remit same to the Commissioner of Game and Fisheries, which fines shall be disposed of by said Commissioner as provided by law; and providing penalties for violation of this Act and providing for repeal of all laws in conflict with the provisions of this Act.

C. G. Brown,
Chairman.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 56. To authorize and provide for the issuance and sale of State bonds for the purpose of paying the outstanding debts of the State of Alabama as of September 30, 1932, as authorized by the proposed Constitutional Amendment known as Article XXIII of the Constitution of Alabama and to authorize the Governor, in his discretion, to use the bonds as collateral security for any temporary loans that may be made to the State, the proceeds of which are to be used in paying the indebtedness due September 30, 1932, or any part of it.

Also:

H. 121. To amend Section seven of Section 7407 of the Code of Alabama, 1923.

Also:

H. 186. To provide for the levy, assessment and collection of Estate Taxes in the State of Alabama.

Also:

H. 241. To amend Section 9590 of the Code of Alabama of 1923.

Also:

H. 252. To authorize the State Board of Education and the Butler County Board of Education to appropriate money to the operation of the Georgiana Public School.

Also:

H. 289. To provide that the liabilities now existing and which were incurred prior to September 30, 1927, for the erection and equipment of public school buildings in towns of less than twenty-five hundred population may be absorbed by, and become obligations of, the County Boards of Education in the State of Alabama.

Also:

H. 300. To amend Section One of an act entitled "An act to provide for the suspension of imposition or execution of sentences and the placing of defendant upon probation; and to prescribe and give power to the State Courts to suspend imposition or execution of sentences and to place defendant upon probation and to give said Courts power of revocation and modification of probation; and to prescribe the duties of probationers, passed July 14, 1931.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately

after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing message from the House.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 87. To better secure the administration of the financial affairs of the State and for that purpose to vest in the Governor certain powers and duties; to create the office, define the powers and duties and fix the salary of a State Comptroller; to provide for the transfer of the Department of Examiners of Accounts, its personnel, appropriations, records, equipment and other property, to the office of State Comptroller and to designate it as the Division of Departmental and County Audits; to abolish the Budget Commission, and to transfer the books, property and equipment of the Budget Commission to the office of the Comptroller; to relieve the State Auditor of certain duties and to provide for the transfer of certain employees and of the unexpended balance of appropriations made for the salaries, together with certain books, records, documents, papers, office furniture and equipment and other property to the office of State Comptroller; to relieve the Board of Administration of certain duties and to provide for the transfer of certain employees and of the unexpended balance of appropriations made for the salaries, together with certain books, records, documents, papers, office furniture and equipment and other property to the office of the State Comptroller; to provide for the transfer of the Secretary of the Senate and Clerk of the House of Representatives to the State Comptroller's Office during such time as the Legislature is not in session; to repeal certain definite, indefinite and contingent permanent appropriations; to establish a State Budget System; to provide for the lapsing of appropriations; to provide for the transmission of the budget to the Legislature; to provide a method for securing estimates of appropriations and for estimates of income of the State; to provide a tentative budget and to provide for hearings on the same; to provide for transmission of the tentative budget to the Governor; to provide for prorating appropriations to prevent an overdraft or deficit in any fiscal year for which appropriations are made; to provide for allotting appropriations to departments, institutions, bureaus, boards, commissions and other State agencies; to provide emergency appropriations; to provide that money received by departments, institutions, bureaus, boards, commissions or other State agencies shall be deposited in the Treasury and to provide how the same shall be held

and paid out; to prevent the wrongful expending of appropriations and to provide penalties and punishment; to establish a fiscal year for the State and all State agencies; to provide when this Act shall go into effect and to provide for the repeal of certain laws in conflict with this Act.

Also:

S. 128. To authorize Boards of Revenue, or other like governing body, in all counties which now have a population of not less than Seventy-five Thousand, nor more than One Hundred and Ten Thousand persons, according to the last Federal Census, or according to any such census hereafter taken, to expend not exceeding Twenty-five Hundred Dollars in advance payment for hospital accommodation and services for the poor of such county.

Also:

S. 1. To amend Section One of an Act approved January 28th, 1927, and entitled, "An Act to provide for the expenses incurred by members of the Legislature of Alabama while in attendance upon sessions of the Legislature."

T. A. Goodwin,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report of Committee on Enrolled Bills.

NOTICE OF MOTION TO TAKE BILL FROM ADVERSE CALENDAR

Mr. Mullins gave to the Senate the following notice in writing:

"I hereby give notice that on the next Legislative Day, I will move the Senate to take from its Adverse Calendar, Senate Bill No. 161, and will offer as a substitute therefor, if the same is taken from said adverse calendar, the bill accompanying this notice, to-wit:

To release owners of motor vehicles from responsibility for injuries to passengers therein where such passengers are transported without charge, and to provide that the defence of contributory negligence shall not in any case be abrogated.

This 27th day of September, 1932.

J. Sanford Mullins,
Senator Tenth Senatorial District."

Which was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate:

By Mr. Taylor:

H. 430. To provide for the employment of a Matron at the Mobile County Jail, to fix her duties, provide for her compensation and payment of same out of the County Treasury and to provide that all laws and parts of laws in conflict with the provisions of this act are hereby repealed and to provide that this act shall take effect immediately upon its passage and approval.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the special session of the Legislature convened on to-wit August 16th, 1932, by call of the Governor for the passage of a local Law providing in substance as follows:

AN ACT

To provide for the employment of a Matron at the Mobile County Jail, to fix her duties, provide for her compensation and payment of same out of the County Treasury and to provide that all laws and parts of laws in conflict with the provisions of this act are hereby repealed and to provide that this act shall take effect immediately upon its passage and approval.

Be it enacted by the Legislature of Alabama:

Section 1. In Mobile County the sheriff shall and hereby is authorized and empowered to employ a matron at the county jail.

Section 2. She shall look after the comfort and welfare of the female prisoners in the jail, and perform such other duties as she may be directed to look after by the Sheriff of the county. She shall be dischargeable at the pleasure of the Sheriff.

Section 3. She shall receive a salary of one hundred and fifty dollars per month, payable out of the county treasury of the county as the salaries of the other county employees are paid.

Section 4. All laws and parts of laws in conflict herewith are hereby repealed.

Section 5. This act shall take effect immediately upon its passage and approval.

State of Alabama, }
County of Mobile. }

Before me, Kathryn Farmer, a Notary Public in and for said State and County, personally appeared R. L. O'Neal, who is known to me and who being sworn says:

Affiant is Editor of "The Citizen," and has personal knowledge of the facts herein stated; that notice of intention to apply to the Legislature of Alabama, convened on to-wit; August 16th, 1932, by call of the Governor, for the passage of a local law, copy of which notice is hereto attached, was published without cost to the State in "The Citizen," a newspaper published at Prichard in Mobile County, Alabama, that being the county to be affected by said law, once a week for four consecutive weeks prior to the introduction of the bill.

Affiant further says that the notice, copy of which is attached to this affidavit, was published in "The Citizen" once a week for four consecutive

weeks, viz: on August 26th, 1932, September 2nd, 1932, September 9th, 1932 and September 16th, 1932. Affiant further says that said notice was published without cost to the State.

R. L. O'NEAL.

Sworn to and subscribed before me this 19th day of September, 1932.

KATHRYNE FARMER,

Notary Public, Mobile County, Alabama.

(Seal)

Also:

By Mr. Taylor:

H. 431. To provide that in Mobile County, Alabama, the salary of the Jail Matron, of the Jail Guards, and of Traffic Officers, shall be preferred claims against the County of Mobile, having the same priority as the salary of members of Boards of Revenue and Road Commissioners or like governing body in said county; to repeal all laws and parts of laws in conflict with this act and to provide that this act shall take effect immediately upon its passage and approval.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the special session of the Legislature convened on to-wit August 16th, 1932, by call of the Governor for the passage of a local Law providing in substance as follows:

AN ACT

To provide that in Mobile County, Alabama, the salary of the Jail Matron, of the Jail Guards, and of Traffic Officers, shall be preferred claims against the County of Mobile, having the same priority as the salary of members of Boards of Revenue and Road Commissioners or like governing body in said county; to repeal all laws and parts of laws in conflict with this act and to provide that this act shall take effect immediately upon its passage and approval.

It is enacted by the Legislature of Alabama:

Section 1. That in Mobile County, Alabama, the salary of the jail matron, the jail guards and traffic officers, shall be preferred claims against said County and shall have the same priority as the salary of members of the Board of Revenue and Road Commissioners or like governing body of said County.

Section 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Section 3. This act shall take effect immediately upon its passage and approval.

State of Alabama, }
County of Mobile. }

Before me, Kathryn Farmer, a Notary Public in and for said State and County, personally appeared R. L. O'Neal, who is known to me and who being sworn says:

Affiant is Editor of "The Citizen" and has personal knowledge of the facts herein stated; that notice of intention to apply to the Legislature of Alabama, convened on to-wit; August 16th, 1932, by call of the Governor, for the passage of a local law, copy of which notice is hereto attached, was published without cost to the State in "The Citizen," a newspaper published at Prichard in Mobile County, Alabama, that being the county to be affected

by said law, once a week for four consecutive weeks prior to the introduction of the bill.

Affiant further says that the notice, copy of which is attached to this affidavit, was published in "The Citizen" once a week for four consecutive weeks, viz: on August 26th, 1932, September 2nd, 1932, September 9th, 1932 and September 16th, 1932. Affiant further says that said notice was published without cost to the State.

R. L. O'NEAL.

Sworn to and subscribed before me this 19th day of September, 1932.

KATHRYNE FARMER,

Notary Public, Mobile County, Alabama.

(Seal)

Also:

By Mr. Taylor:

H. 432. To authorize, empower and direct the Board of Revenue and Road Commissioners of Mobile County, Alabama, and the Treasurer of said County to pay out of the funds of said County to the persons who served as officers of the Court of Domestic Relations of Mobile County, organized under an Act of the 1931 Legislature of Alabama, which was subsequently declared unconstitutional, the salaries each of them would have been paid under the terms of said Act for the time each of said persons served under same, namely from August seventeenth, nineteen thirty-one, to November sixth, nineteen thirty-one, for which services they have not been compensated, and to provide that said payments be made in the same manner and order and out of the same funds as expenses of the Courts are paid.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE IS HEREBY GIVEN THAT APPLICATION WILL BE MADE TO THE SPECIAL SESSION OF THE LEGISLATURE, CONVENED ON TO WIT AUGUST 16th, 1932 BY CALL OF THE GOVERNOR. FOR THE PASSAGE OF A LOCAL LAW PROVIDING IN SUBSTANCE AS FOLLOWS:

A BILL TO BE ENTITLED AN ACT

To authorize, empower and direct the Board of Revenue & Road Commissioners of Mobile County, Alabama, and the Treasurer of said County to pay out of the funds of said County to the persons who served as officers of the Court of Domestic Relations of Mobile County, organized under an Act of the 1931 Legislature of Alabama, which was subsequently declared unconstitutional, the salaries each of them would have been paid under the terms of said Act for the time each of said persons served under same, namely from August seventeenth, nineteen thirty-one, to November sixth, nineteen thirty-one, for which services they have not been compensated, and to provide that said payments be made in the same manner and order and out of the same fund as expenses of the Courts are paid.

Be it enacted by the Legislature of Alabama:

SECTION 1. That the Board of Revenue & Road Commissioners of Mobile County, Alabama, and the Treasurer of said County be and they are hereby authorized, empowered and directed to pay out of the funds of said

County to the persons who served as officers of the Court of Domestic Relations of Mobile County, organized under an Act of the 1931 Legislature of Alabama, which was subsequently declared unconstitutional, the salaries each of them would have been paid under the terms of said Act for the time each of said persons served under same, namely from August seventeenth, nineteen thirty-one, to November sixth, nineteen thirty-one, for which services they have not been compensated, and that said payments be made in the same manner and order and out of the same fund as expenses of the Courts are paid.

SECTION 2. This Act shall take effect immediately.

State of Alabama, }
County of Mobile. }

Before me, Dorothy Onderdonk, a Notary Public in and for said County and State, personally appeared Sidney Berrey, known to me to be the editor and publisher of The Mobile Post, a newspaper published at Mobile, in Mobile County, Alabama, who being by me duly sworn, deposes and says, that the attached notice of intention to apply to the Special Session of the Legislature of Alabama, convened on, to-wit, August 16th, 1932, by call of the Governor of Alabama, for passage of the local law in substance as shown in said attached notice, was published without cost to the State of Alabama in said The Mobile Post in Mobile County, Alabama, once a week for four consecutive weeks before the making of this affidavit, same being so published on August 26th, 1932, September 2nd, 1932, September 9th, 1932, and September 16th, 1932.

SIDNEY BERREY.

Sworn to and subscribed before me this 17th day of September, 1932.

DOROTHY ONDERDONK,
Notary Public, Mobile County, Ala.

Also:

By Mr. Sossaman:

H. 436. To repeal an Act passed by the Legislature of Alabama July 25th, 1931 entitled "An Act to validate, ratify and confirm the previous Acts of the Board of Revenue and Road Commissioners of Mobile County or those acting as such when acting or attempting to act for said County."

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced at the coming special session of the Legislature of Alabama, viz:

A BILL TO BE ENTITLED

AN ACT to repeal an Act passed by the Legislature of Alabama July 25th, 1931 entitled "An Act to Validate, ratify and confirm the previous Acts of the Board of Revenue and Road Commissioners of Mobile County or those acting as such when acting or attempting to act for said County."

Be it enacted by the Legislature of Alabama:

Section 1. That the Act of the Legislature of Alabama passed July 25th, 1931 entitled "An Act to validate, ratify and confirm the previous Acts of the Board of Revenue and Road Commissioners of Mobile County or those acting as such when acting or attempting to act for said County" be and the same is hereby repealed.

GEORGE A. SOSSAMAN.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said State and County, Sidney Berry, who upon oath deposes and says that he is the publisher of the Mobile Post a newspaper of general circulation in Mobile County, Alabama, and that the attached advertisement appeared in said newspaper in its issues of August 19th, 26th, September 2nd and September 9th, 1932.

SIDNEY BERRY.

Sworn to and subscribed before me this the 13th day of September, 1932.

VERNOL R. JANSEN,

Notary Public, Mobile County, Alabama.

Also:

By Mr. Sossaman:

H. 437. To relieve all persons of any legal obligations to work on the public roads in Mobile County, Alabama, or to pay any money in lieu of such legal obligations to work on the public roads in Mobile County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced in the coming special session of the legislature of Alabama:

A BILL TO BE ENTITLED

AN ACT to relieve all persons of any legal obligations to work on the public roads in Mobile County, Alabama, or to pay any money in lieu of such legal obligations to work on the public roads in Mobile county, Alabama.

Be it enacted by the legislature of Alabama:

Section 1. That all persons shall be relieved of any legal obligations to work on the public roads in Mobile county, Alabama, or to pay any money in lieu of such legal obligations to work on the public roads in Mobile county, Alabama.

Section 2. That all laws, both general and local, in conflict herewith be and the same are hereby repealed.

(Signed) GEORGE A. SOSSAMAN.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said County and State, R. B. Chandler, who upon oath deposes and says that he is an officer of the Mobile Register, Inc., which is a newspaper of general circulation in Mobile County, Alabama, and that the attached advertisement appeared in said newspaper in its issues of August 15th, 22nd, 29th and September 5th, 1932.

R. B. CHANDLER.

Sworn to and subscribed before me this the 12th day of September, 1932.

CARL M. SMITH,

Notary Public, Mobile County, Alabama.

(Seal)

Also:

By Mr. Snodgrass:

H. 451. To confirm, ratify, validate, make legal, effective and binding two certain interest bearing warrants, number 6 and 7, issued by the Commissioner's Court of Jackson County, Alabama, as follows: No. 6, issued August 31, 1925 to L. R. Onsby, in the sum of Five Hundred Dollars (\$500.00), payable December 15, 1925, with interest at 6% from date; No. 7, issued September 2, 1925 to Mrs. L. R. Onsby, in the sum of One Thousand Dollars (\$1,000.00), payable December 31, 1925, with interest at 6% from date; and to ratify, confirm, validate, and make legal, effective and binding all interest payments heretofore made on said warrants from their date of issue to December 31, 1931; to provide for the payment of said warrants and the accrued interest; to require and direct the Treasurer or County Depository of Jackson County to recognize and pay said warrants as hereinafter provided.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE TO THE PUBLIC

Notice is hereby given of the intention to apply to the Legislature of Alabama, at the Special Session thereof, 1932, to enact a local law for the County of Jackson, State of Alabama, to confirm, ratify, validate and make legal, effective and binding, two certain interest bearing warrants issued by the Commissioners' Court of Jackson County, Alabama, as follows: No. 6, issued August 31, 1925 to L. R. Onsby, in the sum of Five Hundred Dollars (\$500.00), payable December 15, 1925, with interest at 6 per cent from date; No. 7, issued September 2, 1925, to Mrs. L. R. Onsby, in the sum of One Thousand Dollars (\$1,000.00), payable December 31, 1925, with interest at 6 per cent from date; and to ratify, confirm, validate and make legal, effective and binding all interest payments made on said warrants from their date of issue to December 31, 1931, and to provide for the payment of said warrants and interest from January 1, 1932, to date of payment; and to require and direct the Treasurer of said Jackson County, Alabama, to recognize said warrants No. 6 and 7, as aforesaid, in all things, as the legal and binding warrants or vouchers of said Jackson County, Alabama, to pay the same with interest thereon from January 1, 1932, as aforesaid.

State of Alabama, }
Jackson County. }

Before me, James M. Proctor, a Notary Public in and for said County and State, personally appeared P. W. Campbell, who being by me first duly sworn, deposes and says: I am the Editor and Manager of the Jackson County Sentinel, a newspaper of general circulation, published in Scottsboro, Jackson County, Alabama; that the above and foregoing notice of local legislation was regularly published in said newspaper for four consecutive weeks in the issues of August 25th and September 1st, 8th and 15th, 1932.

P. W. CAMPBELL.

Sworn to and subscribed before me this 17th day of September, 1932.

JAMES M. PROCTOR,

Notary Public.

J. H. Stewart,

Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committee as follows:

H. B's. 430, 431, 432, 436, 437, and 451, to the Committee on Local Legislation.

BILLS ON THE THIRD READING

The bill:

H. 333. To amend an Act entitled "An Act to fix and regulate the fees of State witnesses in criminal cases in the Law and Equity Court and Circuit Court of Franklin County, Alabama, and before the Grand Jury of said county, and to provide for the payment thereof, and to provide for the collection of witness fees from defendants convicted and for the disposition of same," approved July 9th, 1927.

Was read a third time at length and passed.

Yeas, 35; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

The bill:

S. 125. To encourage the building of bridges, causeways and other development work and relief work upon and abutting on tide lands, the title to or control of which may now or hereafter be vested in the State of Alabama, which shall not have been improved by or under valid public authority and shall not be otherwise devoted to public use, by authorizing the improvement and use thereof and of the abutting submerged lands so improved, and the vesting of title thereto in owners of the abutting riparian land, under and subject to the conditions and approval stated in the Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yes, 26; nays, 0.

Yeas:

Messrs.:

Bartlett	Cowart	Edmundson	Garrett
Beasley	Craft	Farmer	Goodwin
Brown	Darden	Faulk	Hildreth
Caffey	Delony	Fletcher	Hooton

Hubbard
Jordan
Kelley

Lapsley
McDaniel
Powell

Riddle
Scruggs

Warren
Wikle

—26

The bill:

S. 156. To authorize and empower the Courts of County Commissioners, Boards of Revenue or other like governing bodies of the several counties of this State to contract with the Highway Commissioner, or other proper officials of the State Highway Department, or with the Director of the Board of Administration, or other proper official of the Board of Administration, to have any, or all, of the public roads and bridges within their respective counties constructed and maintained by the State Highway Department and/or to use convicts in constructing and maintaining roads, highways and bridges and to purchase and donate to the State, or to donate to the State, lands for building convict camps in the County and for the purposes herein provided to appropriate and use all of the funds derived from the gasoline tax and to appropriate and use any other road and bridge funds and to pledge said gasoline tax and other road and bridge funds to the Highway Department or Board of Administration for the purposes herein provided and to match State aid to be used in the construction and maintenance of roads, highways and bridges in the county.

Was taken up.

Mr. Jordan offered the following amendment to said bill to-wit:

Amend Senate Bill 156 by adding thereto Section 3½ to read as follows:

Section 3½. Any contracts entered into under the provisions of this Act shall be recorded in the office of the Judge of Probate and shall provide that such contracts may be terminated by either party thereto upon twelve months notice to the other party of such intentions.

Which was adopted.

Yeas, 35; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Brown
Caffey
Cooper
Coward
Craft
Darden

Delony
Duncan
Edmundson
Farmer
Faulk
Fletcher
Garrett
Goodwin
Hildreth

Hooton
Hubbard
Jordan
Kelley
Lapsley
McDaniel
McDowell
Millsap
Mullins

Powell
Riddle
Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—35

Mr. Riddle offered the following amendment to said bill, to-wit:

Amend Senate Bill No. 156 by adding immediately after Section 3 the following words:

"Section 3B: Any person or executive employed by any department of the State who discriminates in the disbursing of State Funds against those counties who do not contract with the state under the provisions of this Act shall be guilty of a Misdemeanor and fined not more than \$500.00 and sentenced to hard labor for not exceeding six months or both."

On motion of Mr. Jordan, said amendment was laid on the table.
Yeas, 23; nays, 9.

Yeas:

Messrs.:

Bartlett	Edmundson	Kelley	Scruggs
Caffey	Farmer	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Hooton	Millsap	Warren
Craft	Hubbard	Mullins	Wikle
Delony	Jordan	Powell	

—23

Nays:

Messrs.:

Beasley	Faulk	Goodwin	McDowell
Darden	Garrett	Hildreth	Riddle
Duncan			

— 9

Mr. Teasley offered the following amendment to said bill, to-wit:

Amend S. B. 156 by striking out Section 3 of said bill.

On motion of Mr. Jordan, said amendment was laid on the table.

Yeas, 28; nays, 7.

Yeas:

Messrs.:

Bartlett	Craft	Hooton	Mullins
Beasley	Darden	Hubbard	Powell
Bonner	Edmundson	Jordan	Riddle
Brown	Farmer	Kelley	Scruggs
Caffey	Fletcher	Lapsley	Shepherd
Cooper	Garrett	McDaniel	Walker
Cowart	Goodwin	Millsap	Wikle

—28

Nays:

Messrs.:

Delony	Faulk	McDowell	Warren
Duncan	Hildreth	Teasley	

— 7

And said bill, as thus amended, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 5.

Yeas:

Messrs.:

Bartlett	Bonner	Caffey	Cowart
Beasley	Brown	Cooper	Craft

Darden
Delony
Duncan
Edmundson
Farmer
Fletcher

Garrett
Goodwin
Hooton
Hubbard
Jordan
Kelley

Lapsley
McDaniel
McDowell
Millsap
Mullins

Powell
Scruggs
Shepherd
Waiker
Wikle

—30

Nays:
Messrs.:
Faulk
Hildreth

Riddle

Teasley

Warren

— 5

INVITATION FROM MAXWELL FIELD

The following invitation from the officials of Maxwell Field was read and ordered spread upon the Journal:

THE AIR CORPS TACTICAL SCHOOL

Office of the Commandant
Maxwell Field, Alabama

September 22, 1932.

Lt. Gov. H. D. Merrill,
President of the Senate,
State Capitol,
Montgomery, Alabama.

My Dear Governor Merrill:

I wish to extend to you and, through you, to the members of the Senate, an invitation to visit Maxwell Field and inspect the plant of the Air Corps Tactical School. We have here a most interesting place,—something a bit different from the ordinary school, and one that I am sure your legislators will be interested in seeing. I feel that it is an asset not only to our country but also to Montgomery and to Alabama. If you can find it convenient to visit us, please let me know and I will arrange a program to suit your convenience.

Hoping we may have the pleasure of seeing you all here, I am,

Sincerely yours,

JOHN F. CURRY,
Lieut. Col., Air Corps,
Commandant.

RECESS

At 12:35 P. M. on motion of Mr. McDowell, the Senate took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION—SEVENTEENTH DAY

Tuesday, September 27th, 1932.

The Senate re-assembled at 3 o'clock P. M., Lieutenant-Governor Merrill, presiding.

ROLL CALL

Upon a call of the roll of the Senate, the following members answered to their names, a quorum of the Senate:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Teasley:

S. 193. To amend Section 1897 of the Code of Alabama of 1923, in relation to the borrowing of money by municipalities.

Committee on Municipalities and Municipal Organizations.

By Mr. Teasley:

S. 194. To amend the act approved September 10th, 1927, and entitled "An Act to provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the counties and municipal corporations, and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265 and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this act."

Committee on Municipalities & Municipal Organizations.

By Mr. Edmundson:

S. 195. To further regulate the distribution of funds of Building and Loan Associations.

Committee on Banking and Insurance.

REPORTS OF COMMITTEES

Mr. Hildreth, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that

said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Granade (Mobile County):

H. 220. To submit to the qualified voters of the State at the general election to be held on the first Tuesday after the first Monday of November, 1934, for their consideration an amendment to the Constitution of the State so as to direct the Legislature from time to time by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, to fix, regulate and alter the costs, charges of court, fees, Commissions, allowances or salaries to be charged or received by certain county officers of Mobile County, Alabama, being the Judge of Probate, the Tax Assessor, the Tax Collector, the Clerk of the Circuit Court, and the Register of the Circuit and Chancery Courts, including the method or basis of the compensation of such officers.

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Swift (with notice and proof):

H. 308. To relieve the Tax Assessor of Escambia County, Alabama, from the duty of preparing a book of Assessments, and in lieu thereof to arrange in alphabetical order, according to Beats, the original assessments lists and have the same permanently bound and kept as a permanent record and prepare the Tax Collector's abstracts from said assessment lists and to repeal all laws in conflict herewith.

Mr. Hooton offered the following Senate resolution as follows:

S. R. 60. WHEREAS, at the 1931 session of the Legislature of the State of Alabama the Senate Bloc was all powerful:

WHEREAS, They have listened to the voice of the People and have supported the legislative program of the administration;

WHEREAS, More than one-half of the Extraordinary session has now passed;

WHEREAS, The voice of the bloc has been strangely silent;

WHEREAS, The Sales Tax which places additional tax burdens upon the people is being advocated;

WHEREAS, There are several other taxes that are now being strongly advocated;

WHEREAS, the Fletcher bill has been passed and places in the hands of the Governor the power to cut any and all appropriations;

WHEREAS, the Senate has passed the Bonner salary cutting bill, and the same is in the hands of the House;

WHEREAS, the Income Tax and Twenty Million Dollar Bond Issue has been passed by both Houses;

THEREFORE BE IT RESOLVED BY THE SENATE OF ALABAMA, THE SAME HAVING THE CONCURRENCE AND BACKING OF THE PEOPLE OF THE STATE OF ALABAMA:

That the Bloc of 1931 again assemble together; 1st, for social purposes and Auld Lang Syne; 2nd, for the purpose of Guarding the Campaign Slogan of 1930 that no more taxes shall be placed against the people; 3rd, so that our campaign pledges may be fulfilled; 4th, that the people of our State, that the business and industrial concerns of our State may again sit back and say the peak of taxation has been reached; 5th, that the Bloc may again gain the front pages of the daily newspapers as the Savior and Defender of the Rights of the People;

Amen.

Which was read and referred to the Standing Committee on Rules.

Mr. Hildreth offered the following joint resolution:

S. J. R. 61. BE IT RESOLVED by the Senate, the House concurring that when the two houses adjourn today, they adjourn to meet again on Thursday, September 29th, 1932 at 10 A. M.

Which was read and referred to the Standing Committee on Rules.

Mr. Riddle offered the following joint resolution.

S. J. R. 62. 1. Whereas, there is a great apprehension, lest the state shall be unable to meet the Confederate Pension payments, due October 1st, 1932, because no funds are in the treasury to meet such payments.

2. Whereas, it is the sense of the Legislature that our debt to these few survivors of the army of Lee should be paid promptly, even if every other Person or Employee of the state should have to wait, and,

3. Whereas, the Legislature desires that every means possible be used to accomplish this end.

Therefore; BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, that a Joint Committee, composed of two members from the Senate and three from the House to confer with the Governor and Treasurer to the end that every effort be made to meet the appropriations to our Confederate Veterans without a moments delay.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE

Mr. Powell, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following

resolution and ordered same returned to the Senate with a favorable report to-wit:

S. J. R. 59. Requesting certain State Officers to voluntarily consent to a 20 per cent reduction in their salary beginning on October 1st, 1932.

And on motion of Mr. Powell the report was concurred in and the resolution was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate:

By Mr. Miller:

H. J. R. 89. Be it resolved by the House of Representatives, the Senate concurring as follows:

1. That a joint committee of seven, four from the House to be appointed by the Speaker, and three from the Senate to be appointed by the Lieutenant-Governor, be appointed to prepare an appropriation bill for the fiscal years 1933, 1934, and 1935.

2. That this committee confer with all departments, institutions, agencies and boards which receive appropriations and that in making up the appropriation bill they make all possible reduction consistent with continued good service.

And the Speaker named as Committee on part of the House, Messrs. Miller, Harrison, Tidwell and Beebe.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

H. J. R. 89, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate:

By Mr. Harrison:

H. J. R. 91. Resolved by the House of Representatives, the Senate concurring, that when the two Houses adjourn today, they adjourn until ten o'clock, A. M. Friday, September 30, 1932.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

H. J. R. 91, set out in the foregoing message from the House was read and referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE

Mr. Powell, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 62. Creating a joint committee of two from the Senate and three from the House to confer with the Governor and Treasurer to make effort to pay the Confederate Veterans Pensions.

And on motion of Mr. Powell, the said report was concurred in, the Resolution was adopted, and the President of the Senate appointed as a committee on part of the Senate, Messrs. Riddle and Shepherd.

Also with a favorable report:

H. J. R. 89. Creating a Joint Committee of three from the Senate and four from the House to prepare an appropriation bill for the fiscal years 1933, 1934, and 1935.

And on motion of Mr. Powell said report was concurred in, the resolution was adopted, and the President of the Senate appointed as a committee on part of the Senate Messrs. Teasley, Fletcher and McDaniel.

Also with a favorable report:

H. J. R. 91. Relative to adjournment of the two Houses until Friday, September 30th, 1932, at 10 A. M.

Mr. Hildreth moved that the Senate non-concur in said resolution.

Mr. Teasley moved to table the motion of Mr. Hildreth, which motion prevailed.

Yeas, 22; nays, 7.

Yeas:**Messrs.:**

Bartlett	Craft
Beasley	Darden
Bonner	Delony
Brown	Duncan
Cooper	Farmer
Cowart	Fletcher

Goodwin

Hooton
Hubbard
Lapsley
McDaniel

Millsap

Mullins
Powell
Scruggs
Teasley

—22

Nays:**Messrs.:**

Faulk	Hildreth
Garrett	Kelley

McDowell
Warren

Wikle

—7

Mr. Teasley then moved that the Senate concur in said resolution, which motion prevailed and the resolution was concurred in.

BILLS ON THIRD READING

The bill:

S. 124. For the preservation, conservation, development and improvement of the oyster reefs and beds in the waters of Ala-

bama; for the preservation, conservation, development and improvement of the Oyster Industry in the State of Alabama and the territorial waters thereof; to regulate the manner and time of taking and catching oysters from the public waters of the State for planting purposes; to prescribe license fees for boats engaged in taking and catching oysters; to prescribe a tax upon oysters taken from the waters of Alabama for sale or for commercial purposes; to require the re-planting of oyster shells; to regulate the removal of oysters from the State; to provide for the leasing of water bottoms owned by the State; to fix the penalties for violation of this Act; and, generally, to regulate and control the Oyster Industry in the State and all matters connected therewith.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 28; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	McDowell
Beasley	Edmundson	Hooton	Mullins
Bonner	Farmer	Hubbard	Powell
Brown	Faulk	Jordan	Scruggs
Cowart	Fletcher	Kelley	Shepherd
Craft	Garrett	Lapsley	Warren
Darden	Goodwin	McDaniel	Wikle

—28

The bill:

S. 165. To provide for the protection and conservation of bass (green trout) and other fresh water game food fishes, in the waters of all counties in Alabama having a population of not over four hundred thousand and not less than one hundred and fifteen thousand according to the last preceding United States census or any succeeding United States census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 35; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

The bill:

S. 166. To provide for the protection and conservation of certain marine fishes in any of the salt waters within any county in

Alabama having a population of not over four hundred thousand and not less than one hundred and fifteen thousand according to the last preceding United States census or any succeeding United States census to provide for penalties for violations of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 35; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

The bill:

S. 151. To amend Section 2227 of the Code of 1923.

Was taken up.

Mr. Goodwin offered the following amendment to said bill, to-wit:

Amend S. 151 by striking therefrom the last paragraph beginning at the word: "provided" and add in lieu thereof as follows:

"Provided, however, that any city, town or other municipal corporation issuing such bonds or making such improvements under this chapter, may, upon ordinance adopted by the governing body thereof, submit to the qualified electors of such city, town or other municipal corporation, the proposition of whether or not such town shall assume or pledge its full faith and credit for the payment of not to exceed 25 per cent of any assessment bonds levied for the payment of public improvements and that such election shall be held in the same manner as municipal elections are held for the purpose of voting general bonds for such municipalities.

Which was adopted.

Yeas, 21; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Goodwin	Millsap
Beasley	Duncan	Hildreth	Mullins
Brown	Farmer	Hubbard	Powell
Cooper	Faulk	Jordan	Warren
Cowart	Garrett	McDaniel	Wikle
Craft			

—21

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 21; nays, 3.

Yeas:

Messrs.:

Bartlett	Darden	Garrett	Millsap
Beasley	Delony	Goodwin	Mullins
Brown	Duncan	Hooton	Powell
Cooper	Farmer	Jordan	Riddle
Cowart	Faulk	Kelley	Warren
Craft			

—21

Nays: Messrs.: Lapsley, Scruggs and Walker

—3

The bill:

S. 119. To prohibit the use by State officers and employees, of any money or property of the State of Alabama, in election campaigns or in securing the passage or defeat of proposed legislation (except in discharge of duties imposed by law on State officers or employees) and to provide a penalty for the violation of this Act.

Was taken up.

The Committee on Privileges and Elections reported the following amendment to said bill, to-wit:

Amend S. 119:

S. 119. By striking the words "and service" where they appear together in Section 1 of said bill.

Which was adopted.

Yeas, 26; nays, 1.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Millsap
Beasley	Duncan	Hubbard	Mullins
Bonner	Farmer	Kelley	Powell
Brown	Faulk	Lapsley	Teasley
Cowart	Fletcher	McDaniel	Warren
Craft	Garrett	McDowell	Wikle
Darden	Goodwin		

—26

Nay: Mr. Hooton

—1

And said bill as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays, 1.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Mullins
Beasley	Duncan	Jordan	Powell
Bonner	Farmer	Kelley	Shepherd
Brown	Faulk	Lapsley	Walker
Cooper	Garrett	McDaniel	Warren
Cowart	Goodwin	Millsap	Wikle
Craft			

—25

Nay: Mr. Hooton

—1

The bill:

S. 175. To relieve the Tax Assessors of all the Counties in the State of Alabama, where there are no local laws providing to the contrary, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order, according to Beats, the original assessment lists, and have same permanently bound and kept as a permanent record, and prepare the Tax Collector's abstracts from said assessment lists, and to repeal all laws in conflict herewith, except local laws.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Mullins
Beasley	Duncan	Hubbard	Powell
Brown	Farmer	Jordan	Scruggs
Cooper	Fletcher	Kelley	Shepherd
Cowart	Garrett	McDaniel	Walker
Darden	Goodwin	McDowell	Wikle

—24

The bill:

S. 138. To further regulate the use of the public highways in the State of Alabama and to prohibit the operation upon any of the public highways in the State of Alabama of any and all trucks and/or trailers and/or semi-trailers for commercial purposes on Sunday, and make the violation of this Act a misdemeanor and to prescribe the punishment for all violation to this Act; to provide that this Act shall not apply to persons, trucks, and/or trailers and/or semi-trailers engaged, used or employed in interstate commerce or while removing perishable farm or dairy products.

Was taken up.

Mr. Kelly offered the following amendment to said bill to-wit:

Amend S. 138 by Mr. Kelly by adding to Section 2 thereof the following:

"Or while delivering ice; or in the repair or restoration of the plant or properties of any transportation or public utility company"; or the delivery of gasoline and lubricating oil, so that as amended Section 2 will read as follows:

Section 2. That the provisions of this Act shall not apply to persons, trucks and/or trailers and/or semi-trailers employed or used or engaged in interstate commerce, or while removing perishable farm or dairy products; or while delivering ice; or in the repair or restoration of the plant or properties of any transportation or public utility company; or the delivery of Gasoline and Lubricating Oil.

Which was adopted.

Yeas, 19; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Goodwin	Kelley
Beasley	Darden	Hildreth	Lapsley
Bonner	Duncan	Hooton	McDaniel
Brown	Farmer	Hubbard	Mullins
Cooper	Garrett	Jordan	

—19

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 2.

Yeas:

Messrs.:

Bartlett	Craft	Hooton	Mullins
Beasley	Darden	Hubbard	Powell
Bonner	Duncan	Jordan	Scruggs
Brown	Garrett	Kelley	Shepherd
Cooper	Goodwin	Lapsley	Wikle
Cowart	Hildreth	McDowell	

—23

Nays: Messrs.: Fletcher and Millsap

—2

The bill:

S. 127. To provide for absent qualified electors of the State of Alabama to vote in any primary, general, special or municipal election in this State while absent from the State or from the County in which they are qualified electors; to provide the method of carrying out such provision, and to provide for and require election officers and others charged with duties hereunder to perform duties in connection therewith.

Was taken up.

Mr. Garrett offered the following substitute for said bill to-wit:

A BILL

To be entitled an Act to provide for absent qualified electors of the State of Alabama to vote in any primary, general, special or municipal election in this State while absent from the State or from the County in which they are qualified electors; to provide the method of carrying out such provisions; to provide for and require election officers and others charged with duties hereunder to perform duties in connection therewith; and to repeal Sections 405, 406, 407, 408, 409, 410, 411, 412, 677, 678, 679, 680, 681, 682, 683, and 684 of the Code of Alabama of 1923, and all other laws or parts of laws inconsistent with the terms of this Act.

Be it enacted by the Legislature of Alabama:

Section 1. That Sections 405, 406, 407, 408, 409, 410, 411, 412, 677, 678, 679, 680, 681, 682, 683 and 684 comprising all of Article 4 of Chapter 19 and Article 3 of Chapter 20 of the Code of Alabama of 1923 be and the same are hereby repealed.

Section 2. That the qualified electors of this State whose names at the time of any primary, general, special or municipal election appear on the official list of qualified voters in any County in the State of Alabama, and who at any primary, general, special or municipal election hereafter held pursuant to law in this State by reason of their regular business, and in the performance of their regular duties as these terms are hereinafter defined, shall be absent from the State or from the County in which they are qualified electors, may vote in such primary, general, special or municipal election in the manner and under the regulations hereinafter prescribed with like effect as if they were casting their vote in person at their regular and proper polling place.

Section 3. That the absent voter so entitled to vote, provided at the time he or she requests such ballot their name is on the official list of qualified voters in such county as a qualified voter thereof and provided he or she is at the time in the employ of the United States or the State of Alabama or is a member of the National Guard while attending encampment or is a member of the Military or Naval forces of the United States, or is a regular employee of a Railway or Express Company engaged in the performance or regular duties keeping them from the County of their residence on the day of said election, may procure from the Judge of Probate of the County of their residence an official Absentee Ballot hereinafter provided for use in such election or **primary upon** written application made by himself or herself personally and not by agent substantially as follows:

I _____ hereby represent and say that I am a qualified voter in precinct _____ County of _____ State of Alabama, and I am entitled as such to vote in the _____ election (Primary, General, Special or Municipal, as the case may be) to be held on the _____ day of _____ 19_____. That on the date of such election I will be absent from the County by reason of my **regular business and in the performance of my regular duties**. I will be absent from the County and hereby make this request in writing to cast my vote as an Absent Voter (Signed) _____ Sworn to and subscribed before me this _____ day of _____ 19_____.

Section 4. The written application provided for in Section 3 hereof must be filed with the Judge of Probate carrying, attached thereto and forming a part thereof, in the case of all employees of the United States or the State of Alabama and all members of the National Guard while attending encampment and all members of the Military and Naval forces of the United States and all regular employees of any Railway or Express Company, the Jurat of some officer authorized to take acknowledgments as provided in Section 6841 of the Code of Alabama of 1923.

In the case of all other persons whatsoever said written applications must be made in the presence of the Judge of Probate of

the County in which the applicant is seeking to vote and must have attached thereto and forming a part thereof the Jurat of said Judge of Probate of the said county of applicants legal residence.

In no case shall an absentee ballot be delivered to an applicant until after said written application made as hereinabove provided in this section shall have been signed and filed with the Judge of Probate of the County in which the applicant desires to cast his vote.

Section 5. In the event the Judge of Probate of the County in which the election is being held is a candidate for any office to be voted upon in such election he shall be thereby disqualified from performing any of the duties placed upon him by the provisions of this Act, and in such event he shall be guilty of a misdemeanor if he shall either directly or indirectly undertake to perform any of said duties.

Section 6. In the event described in Section 5 hereinabove as to the candidacy of such Judge of Probate in the election being held all and every duty which would otherwise devolve upon said Judge of Probate shall automatically devolve upon the Register in Chancery of the County in which said election is being held, who is hereby authorized and required to perform each and all of said duties. And where this situation obtains with reference to any election hereafter held in this State, this Act shall be read and construed as though the words "REGISTER IN CHANCERY" were substituted for the words "JUDGE OF PROBATE" wherever the same occur.

Section 7. In the event of a vacancy in the office of Register in Chancery in said county, or in the event said Register In Chancery is disqualified,—as he is hereby declared to be,—by reason of the fact that he is a candidate for election or nomination in the election being held, this fact shall be certified to the Governor of Alabama by the Judge of Probate of the said County, or by the Chairman of the Democratic Executive Committee of said County not less than 45 days prior to the date of the holding of said election, who, within five days of the date of the receipt by him of such certification shall appoint a qualified elector of said county, who is not a candidate for any office to be voted on in said election, to perform,—and said appointee is hereby authorized and empowered, to perform,—each and every duty herein imposed upon the Judge of Probate of said County.

Section 8. For every election of the kind mentioned in the caption of this Act hereafter held in this State there shall be printed, provided and furnished to the Judge of Probate of the County in which such election is being held, by those charged by law, with the duty of furnishing other supplies for said election, a sufficient number of ballots to be used by Absentee voters, which ballots shall bear printed thereupon the words "OFFICIAL ABSENTEE BAL-

LOT" and which said ballots bearing said printed endorsement shall also carry, attached thereto, and forming a non-detachable part thereof a printed form of Affidavit substantially as follows:

"State of _____ County of _____ before me _____ a _____ for said County and State this day personally appeared _____ who is (made) known to me, and who, being duly sworn, deposes and says: That his (her) name is _____; that he (she) is a bona fide resident and qualified elector of precinct or district _____ County of _____ State of Alabama; that he (she) has not voted in the Primary or election (as the case may be) to be held on the _____ day of _____ 19_____, and is entitled to vote therein; that he (she) will be absent from the State or from the County of his (her) residence on the day of the election (primary) by reason of his (her) regular business and in the performance of his (her) regular duties; that, —in the event this election is a primary election,—he (she) subscribes to all the conditions and qualifications laid down by the party committee as a requisite for participation in said primary, and that he (she) is familiar with such conditions and qualifications. (Signed) _____. Sworn to and subscribed before me this _____ day of 19_____. (Signed) _____ (officer).

The above named _____ appeared before me on the _____ day of _____ 19_____ and being first duly sworn did subscribe to the above affidavit; I further certify that said applicant is known to me personally as being the identical party he (she) claims to be _____ (notary public or as the case may be)." Which said affidavit shall be filled out, signed and sworn to before an officer such as is described in Section 4 hereof, before the vote of the applicant receiving same can be counted.

Section 9. That in addition to managers and clerks now provided under the laws of the State for elections that there shall be for all future elections, either primary, general, special or municipal, appointed at the same time and in the same manner by the **appointing board** of the said counties, or cities, three managers and two clerks and a returning officer who shall meet in the office of the Judge of Probate of the said counties on the day of said election and remain, as officers at other polling places for the purpose of receiving the ballots of absentee voters from the Judge of Probate as provided in this Act. That the absentee votes cast as provided under this Act shall be, by the said election officers specified in this Section tabulated separately by precincts and returns thereof made as provided by the law governing said primary or election.

That the managers, clerks, and returning officer provided for in this Section shall be governed in all respects in the performance of their duties by the laws governing all other election officers conducting said primary or election and shall be subject to the same penalties as other election officers.

Section 10. Not less than 31 days prior to the time of the holding of any primary, general, special, or municipal election authorized by law the officers charged with the printing and distribution of the official ballots shall cause to be delivered to the Judge of Probate of each County in which said election is held a sufficient number of official absentee ballots as hereinabove described and all other printed matter required hereunder.

Section 11. That it shall be the duty of the Judge of Probate of any County in this State upon application made and filled as hereinabove provided by any qualified voter of his County, not more than Thirty Days nor less than five days before any Primary, General, Special or Municipal election to be held in this State to forward or deliver immediately to such applicant an official absentee ballot carrying the printed form of oath, as hereinabove described for use in such election or Primary with an envelope addressed to the Judge of Probate of the County in which said Absentee voter, or voter contemplating being absent as provided hereinabove is a qualified elector. In the event the said Judge of Probate is disqualified as hereinabove mentioned by reason of his being a candidate for an office to be voted on in said election then the envelope mentioned in this Section shall be addressed to the Register In Chancery of said County.

Section 12. That the envelope in which such absent voter transmits his ballot shall be addressed to the Judge of Probate, or to the Register In Chancery as provided under the next preceding Section hereof, and shall be endorsed on the left hand upper corner thereof substantially as follows:

Absent Voters Ballot. Election (State, Primary, County, Municipal or General as the case may be) to be held on the _____ day of _____ 19_____. From _____ (name of Voter) Elector of Precinct or District _____ County of _____ State of Alabama.

Section 13. That the Judge of Probate of each county in which application is made for an official absentee ballot as provided for herein shall make, as applications are filed for ballots, under this Act, and keep for sixty days after the date of election a full list, showing names, residences, and polling places, of such as apply for said ballots, which lists shall be open to inspection by the public at all times. The said Judge of Probate shall make, as the envelopes containing ballots are received, a list showing the dates when received and the names of the Absent voters with their respective precincts in which they are respectively qualified to vote.

That a copy of the said lists herein provided for shall be transmitted by the said Judge of Probate—or at least so much of same as pertains to the particular precinct,—on or before the closing of the polls on the day of said election to the respective election officials, or one of same, at each polling place within said county.

That a failure or refusal of the Judge of Probate to make, keep, and exhibit to any qualified elector asking to see same either of the lists herein provided for at any time at which the office of the Judge of Probate is open for the transaction of business shall subject said Judge of Probate to a penalty of not less than \$500.00 nor more than \$1000.00 to be recovered in a summary proceeding brought before the circuit court of the County of said Judge of Probate's residence by any qualified elector so refused the right to inspect said lists or either of them. One-half of the amount so recovered,—which amount is to be fixed at the discretion of the said Circuit Judge within the limit named,—Shall go to said aggrieved qualified elector, and one-half shall be converted into the fine and forfeiture fund of the County.

In addition, any Judge of Probate failing or refusing upon demand made as hereinabove mentioned to allow any qualified elector to inspect said lists, or either of them, shall be guilty of a misdemeanor.

Section 14. That any person who shall wilfully make or subscribe to any affidavit or statement hereinabove mentioned knowing that said affidavit or statement contains statements or a statement which are or is false and untrue shall be guilty of perjury.

Section 15. Any person who shall wilfully fail or refuse to perform or discharge any duty required of him under this Act shall be guilty of a misdemeanor and on conviction shall be fined not more than \$100.00.

Section 16. That the expense of carrying out the provisions of this Act shall be paid in the same manner as provided by law for the payment of the expense of primary, general, special or municipal elections, as the case may be.

Section 17. That it shall be unlawful for the Judge of Probate to furnish or offer to furnish any ballot or make suggestion in reference thereto except upon the application of the absent voter as herein provided.

Section 18. The terms "Regular Business" and "Regular Duties" as used and understood in this Act mean and signify what the words denote. In other words no person being absent from the County of his residence, or contemplating being absent from the County of his Residence by reason of any casual or unnecessary mission or purpose shall be entitled to cast an absentee ballot under the provisions of this Act; it being the sole intention and purpose of said Act to provide a method of voting for those qualified electors prevented from being present at their regular voting place by reason of being engaged in the performance of their "Regular Duties," or by reason of their "Regular Business." Any person making the affidavit hereinabove provided to be a part of the Official Absentee Ballot who was not detained or did not contemplate

being detained away from his (her) said regular voting place on the day of said election by reason of his (her) "Regular Duties" shall be guilty of perjury.

Section 19. All laws or parts of laws in conflict with the provisions of this Act shall be and the same are hereby repealed; and should any section of this Act be declared unconstitutional, the part and Sections not so declared unconstitutional shall remain in full force and effect.

Section 20. For the purpose of this Act, school teachers, engaged in the active performance of their duties shall be deemed to be employees of the State of Alabama within the meaning of Section 3 herein above.

Section 21. This Act shall go into effect immediately upon its passage and approval by the Governor.

Which was adopted.

Yeas, 28; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Mullins
Beasley	Duncan	Hubbard	Powell
Bonner	Farmer	Jordan	Scruggs
Cooper	Fletcher	Kelley	Shepherd
Cowart	Garrett	McDaniel	Teasley
Craft	Goodwin	McDowell	Walker
Darden	Hildreth	Millsap	Wikle

—28

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hooton	Scruggs
Beasley	Delony	Hubbard	Shepherd
Bonner	Duncan	Kelley	Teasley
Brown	Farmer	McDaniel	Walker
Cooper	Garrett	Mullins	Warren
Cowart	Goodwin	Powell	Wikle
Craft	Hildreth		

—26

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Rish:

H. 164. To further regulate Building and Loan Associations in the State of Alabama.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once and referred to an appropriate standing committee as follows:

H. 164 to the Committee on Banking and Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:
By Mr. Glover of Henry:

H. 24. To make it unlawful for any official of the State of Alabama having the custody of, or in any manner connected with the handling, or having the authority to direct the uses of any of the public school funds arising under the provisions of Section 257, 258, 259 and 260 of the Constitution of Alabama, to divert or permit to be diverted or to use or permit the use of, said funds or any part thereof, except for the uses and purposes as set out in said sections of the Constitution and to fix and prescribe penalties for the violation thereof.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message read once and referred to appropriate standing committee as follows:

H. 24 to the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 96. To amend Section 2216 of the Code of Alabama as amended by Act of the Legislature of 1927, approved September 10, 1927.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Seventeenth Legislative

Day, and finds same correct and containing all original entries and references thereto required by the Constitution.

Respectfully submitted,
Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read, and, on motion of Mr. Farmer, said report was concurred in and the Journal of the Senate for the Seventeenth Legislative Day, approved.

ADJOURNMENT

At 4:50 P. M. on motion of Mr. Hooton and pursuant to joint resolution heretofore adopted, the Senate adjourned until Friday, September 30th, 1932, at 10 A. M.

EIGHTEENTH DAY

Friday, September 30th, 1932.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill, presiding.

PRAYER

By Rev. H. G. Earnest, doorkeeper of the Senate.

ROLL CALL

Present:

Messrs.:			
Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

JOURNAL

On motion of Mr. Wikle, reading of the Journal of yesterday was dispensed with and same approved.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Scruggs:

S. 196. To amend Section 1 of an Act entitled; "An Act to provide for and authorize an incorporation by the Alabama Highway Director, the President of the State Board of Administration of Alabama and the Chairman of the State Tax Commission of Alabama, for the purpose of constructing or causing to be constructed bridges and the approaches, for public use, on, or connecting highways in this State; to prescribe its powers and duties; to exercise the right of eminent domain; to provide for the raising of necessary funds for such purpose; to prescribe the rights and powers of the purchasers of any bonds issued; to maintain and operate such bridges, to operate any such bridge or bridges for toll until the cost of construction and maintenance shall have been paid; to provide for the payment of interest on said bonds by the State of Alabama," approved August 31, 1927.

Committee on Public Roads and Highways.

By Mr. Scruggs:

S. 197. To provide for the leasing to the State Highway Department of the State of Alabama by the Alabama State Bridge Corporation of all of the bridges and other property now owned by the Alabama State Bridge Corporation; to provide the method and manner of execution of said lease and the future use of said property, and to make an appropriation therefor.

Committee on Public Roads and Highways.

By Mr. Craft:

S. 198. To authorize the State Docks Commission to pay to Mrs. Katherine T. Johnson, as widow of John Johnson, deceased, the sum of Five Thousand (\$5,000.00) Dollars out of its treasury, as compensation for the death of the said John Johnson, while acting within the line of his duty as pilot while in the employment of said State Docks Commission.

Committee on Finance and Taxation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE AS TO SPECIAL ACT

Notice is hereby given that the Legislature of Alabama, at its present special session, will be asked to pass an act with caption in substance as follows:

An Act to authorize the State Docks Commission to pay to Mrs. Katherine T. Johnson, as widow of John Johnson, deceased, the sum of \$5,000.00 out of its treasury, as compensation for the death of the said John Johnson, while acting within the line of his duty as pilot while in the employment of said State Dock Commission.

State of Alabama }
 Mobile County }

Before me, a Notary Public in and for said County and State, personally appeared R. B. Chandler, who, being by me first duly sworn, on oath says that he is Publisher of the Mobile Press; that the Mobile Press is a newspaper published in the County of Mobile, State of Alabama, and has a general circulation therein; that the hereto attached notice as to Special Act was duly published in the Mobile Press once a week for four consecutive weeks, namely—on September 3rd, 10th, 17th and 24th, in the year 1932.

R. B. CHANDLER.

Subscribed and sworn to before me this 26th day of September, 1932.

CARL M. SMITH,

Notary Public, Mobile County, Ala.

(Seal)

By Mr. Lapsley:

S. 199. To amend Section 10593 of the Code of Alabama of 1923.

Committee on Judiciary.

By Mr. Teasley:

S. 200. To amend Section 1907 of the Code of Alabama of 1923.

Committee on Judiciary.

By Mr. Powell:

S. 201. To provide for establishing a uniform system of accounting in the County offices in all Counties of this State where officers are charged with the duty of receiving, disbursing and accounting for public funds or other funds, by requiring the State Comptroller to prepare such forms of bookkeeping and accounting records, reports and other blank forms as may be necessary for the installation of such uniform accounting system, by providing for the purchase of all necessary stationery, record books and supplies, by prescribing such system to be the official system of accounting to be used by such officers, by requiring such County Officers to maintain and keep accounts and make reports according to such system, and by making it unlawful for any such officer to fail or refuse to keep the accounts of his office or to make required reports according to the official system as is hereby established, and to prescribe penalties and punishments for violations of the provisions of this Act.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. McDowell, Chairman of the standing committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hildreth:

S. 92. To amend Section 8089 of the Code of Alabama of 1923.

By Mr. Tidwell:

H. 112. To regulate and limit the use of the public highways in the State by motor trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, courts of County Commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this act and to prescribe penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof or certain of such provisions, and to repeal an Act entitled "An Act to prescribe the maximum size, width, length and weight, including load, limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State, and to prescribe penalties for violations of this Act," and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency.

Mr. Teasley, Chairman of the standing committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teasley (with amendment):

S. 49. To appropriate the sum of \$300.00 out of the general fund of the State to reimburse A. P. Smith for money collected from him through mistake or error.

By Mr. Fletcher:

S. 88. To redefine the duties of the State Auditor; to relieve the State Auditor of certain duties now imposed by law; to transfer certain of such duties as are now by law required of the State Auditor to the **State Tax Commission, and/or State Commission of Forestry** and/or the office of State Comptroller.

By Mr. Walker (with notice and proof):

S. 150. For the relief of A. M. McConnell, of Athens, Alabama.

By Mr. Lapsley:

S. 153. To authorize and provide for the payment of the sum of \$2,000.00 for the relief of Mrs. Willie W. Edge of Blacksburg, Virginia, who sustained personal injuries while riding in an automobile on May 16th, 1931, as a result of being run into or against by a trailer attached to a truck of the State Highway Department, the property of the State of Alabama.

By Mr. Lapsley:

S. 154. To authorize and provide for the payment of the sum of \$1,000.00 for the relief of Harvey A. Edge of Blacksburg, Virginia, whose automobile was damaged on May 16th, 1931, as a re-

sult of being run into or against by a trailer attached to a truck of the State Highway Department, the property of the State of Alabama; and who paid out for the treatment and care of his wife, who was injured as a result of said collision between said trailer and the car in which he and his wife were riding, a large sum of money to doctors, hospitals, nurses, and for drugs, board and other expenses.

By Mr. Scruggs (with notice and proof):

S. 177. For the relief of Joe Ferguson and to make an appropriation for the relief of Joe Ferguson who served in the State Militia during the year 1924, and while in the line of duty at Camp McClellan, Alabama at the annual encampment was accidentally shot through the left hand with a pistol which caused him great pain and expensive doctor bills, and the total loss of time for several months, together with a deformed hand for life; to create a Commission or Committee composed of the Governor, Attorney General and the Adjutant General of the State of Alabama to adjudicate his said claim and to pay him on the merits of the same from evidence that may be furnished in the form of affidavits and other reliable sources; and to provide that the amount of such compensation shall not exceed Twelve Hundred Dollars.

By Mr. Bartlett (with notice and proof):

S. 186. For the relief of Mutual Oil Company, of DeKalk County, Alabama, to refund certain moneys erroneously or illegally collected from said company as money due the State of Alabama as Sales Tax or License on gasoline.

By Mr. Fletcher:

S. 189. To amend Sub-division 2 of Section 834 of the Code of Alabama of 1923.

By Mr. Teasley:

S. 190. To amend Section 22 of an Act, "Relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney busses, trailers used on the public highway of Alabama, and for the registration or license fee therefor, and to further provide for the revenue of the State of Alabama," said Act being No. 290, General Acts of Alabama, approved September 13, 1923.

By Mr. Craft:

S. 191. To amend Section 240 of the Code of Alabama of 1923.

By Mr. O'Neal (with substitute):

H. 107. To amend Section 12 of an Act "Relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney busses and trailers used on the public highways of Alabama and for the registration or license fee therefor and to further provide for the revenue of the State of Alabama" approved September 13, 1923.

By Mr. Morrow:

H. 192. To amend Group 6 of Section 3022, Article 2 of the Code of Alabama.

By Mr. Morrow (with amendment):

H. 193. To provide for the exemption of blind persons from the payment of special privilege license in the State of Alabama, or any county or municipal sub-division of the State of Alabama; to provide the method for blind persons claiming such exemption; and to provide a penalty for the violation of this Act.

Mr. Edmundson, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teasley:

S. 160. To amend Section 8418 of the Code of Alabama of 1923.

By Mr. Edmundson:

S. 195. To further regulate the distribution of funds of Building and Loan Associations.

By Mr. Rish:

H. 164. To further regulate Building and Loan Associations in the State of Alabama.

By Mr. Jordan (with amendment):

S. 146. To require corporations, companies, associations and reciprocal or Inter-insurance exchange before engaging in the business of writing casualty insurance in this State, to deposit approved securities, or bonds in lieu thereof, with the State Treasurer, in trust, as a guaranty of faithful performance of their policy obligations.

By Mr. Lapsley:

S. 126. To authorize the State Dock Commission to contract for workmen's compensation insurance for the benefit of its employees, and to pay therefor as a part of the expense of operating the State docks.

By Mr. Robinson:

H. 202. To provide for the keeping in secrecy of the names and identities of persons drawn or summoned for jury service in Circuit Courts in counties having a population of 300,000 or more according to the last or any future Federal census, and to prescribe penalties and punishments for violations of the provisions of this Act.

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Darden (with notice and proof):

S. 184. To abolish the office of County Solicitor of Coosa County, Alabama, and to create in lieu thereof the office of County Attorney; to define the qualifications and duties of County Attorney of Coosa County, Alabama; to provide for his election or appointment; to provide for the salary of the County Attorney and the manner of paying the same; to prescribe his term of office and for his removal from office and for the filling of the vacancy in said office.

By Mr. Fletcher (with notice and proof):

S. 185. To amend Section 14 of an act entitled "An Act to establish in precinct one in Madison County, Alabama, an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in said precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said court and the judge thereof," approved April 4, 1911.

By Mr. Fletcher (with notice and proof):

S. 183. To amend an Act entitled, "An Act to create and establish a Board of County Commissioners in and for Madison County, Alabama, in the place and stead of the Board of Revenue of Madison County now existing in said county, and abolishing said Board of Revenue in Madison County; to divide said county of Madison into five districts, defining the boundaries thereof; defining the jurisdiction of said Board of County Commissioners, fixing their compensation; conferring upon said Board of County Commissioners all the jurisdiction, powers and authority granted by law to County Commissioners, Boards of Revenues or other governing bodies of like name or authority in this State; and to authorize said Board of County Commissioners for the purpose of maintaining the public roads, bridges and ferries of Madison County to impose a tax on gasoline, Woco-Pep or other substitute therefor sold in the county, not to exceed three cents per gallon, and to provide the machinery for its collection; authorizing the appointment of said Board of County Commissioners of a clerk, and a supervisor of public roads, providing for the holding of monthly meetings of said Board of Commissioners and providing for the repeal of all laws in conflict with this Act; providing for the appointment, nomination and election of said Board of Commissioners approved September 20th, 1923," as amended by local Act of the Legislature of Alabama approved February 15th, 1927, and by Local Act of the Legislature of Alabama approved July 20th, 1931; by amending Section 12½ to authorize and empower the Board of County Commissioners to make donation to Local Chapter of the American Red Cross in said County, and for that purpose to appropriate to said donation a portion of County gasoline tax, and to ratify appropriations heretofore made to Local Red Cross Chapter.

By Mr. Fletcher (with notice and proof):

S. 182. To amend an Act, approved April 4, 1911, entitled, "An Act to establish in Precinct One, in Madison County, Alabama, an Inferior Court in lieu of all Justices of the Peace and notaries public with the power of the Justices of the Peace, in said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof," as amended by Local Act of the Legislature of Alabama, approved July 27, 1923, and as amended by Local Act of the Legislature of Alabama, approved March 2, 1931, by amending section 23 of said amended Act.

By Mr. Fletcher (with notice and proof):

S. 181. To abolish the office of Deputy Solicitor and the office of Assistant Circuit Solicitor in and for the Twenty-third Judicial Circuit composed of Madison County, and to repeal all laws, general, special or local, in conflict with the provisions of this Act, insofar as they relate to Madison County, Alabama.

By Mr. Carmichael (with notice and proof):

H. 335. To regulate the issue of garnishment by Justice of the Peace and Notaries Public, with the same jurisdiction and powers of a Justice of the Peace, and proceedings thereon when a demand owing for, or on account of, personal services rendered or to be rendered by the defendant is sought to be subjected by process of garnishment in the County of Colbert.

By Mr. Snodgrass (with notice and proof):

H. 451. To confirm, ratify, validate, make legal, effective and binding two certain interest bearing warrants, number 6 and 7, issued by the Commissioner's Court of Jackson County, Alabama, as follows: No. 6, issued August 31, 1925, to L. R. Onsby, in the sum of Five Hundred Dollars (\$500.00), payable December 15, 1925, with interest at 6% from date; No. 7, issued September 2, 1925 to Mrs. L. R. Onsby, in the sum of One Thousand Dollars (\$1,000.00), payable December 31, 1925, with interest at 6% from date; and to ratify, confirm, validate, and make legal, effective and binding all interest payments heretofore made on said warrants from their date of issue to December 31, 1931; to provide for the payment of said warrants and the accrued interest; to require and direct the Treasurer or County Depository of Jackson County to recognize and pay said warrants as hereinafter provided.

By Mr. Poole (with notice and proof):

H. 339. To abolish the office of Deputy Solicitor of Butler County, Alabama, to fix the time when such office shall be abolished and to provide that such bill shall not affect any general, special or local laws except as herein provided for.

By Mr. Poole (with notice and proof):

H. 340. To create the office of County Solicitor of Butler County, Alabama, to provide for the election of such officer by the qualified voters of said county, to prescribe his powers, duties and qualifications, provide for his compensation, fix the term of his office, provide for his election, the time of the election of his successor and to repeal all general and local laws in conflict herewith so far as they relate to said county.

Mr. Walker, Chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pitts:

H. 254. To repeal an Act entitled: "To create official State grades for strawberries and prescribe the marking of containers therefor; and to provide penalties for the violation of this Act," approved July 30, 1931.

Mr. Hubbard, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Warren (with amendment):

S. 179. To fix the minimum school age at which children may enter public schools.

By Mr. Glover of Henry:

H. 24. To make it unlawful for any official of the State of Alabama having the custody of, or in any manner connected with the handling, or having the authority to direct the uses of any of the public school funds arising under the provisions of Sections 257, 258, 259 and 260 of the Constitution of Alabama, to divert or permit to be diverted or to use or permit the use of, said funds or any part thereof, except for the uses and purposes as set out in said sections of the constitution and to fix and prescribe penalties for the violation thereof.

By Mr. Cowart (with amendment):

S. 140. To amend Section 92 of Article 6 of the Alabama School Code.

RESOLUTIONS

Mr. Craft offered the following joint resolution:

S. J. R. 63. Resolved by the Senate, the House concurring, that the two Houses convene in joint session in the Hall of the House of Representatives on Tuesday, Oct. 4th, 1932, immediately after roll call for the purpose of hearing an address by the Hon.

W. C. Snead, Chief Engineer of the U. S. Department of Public Roads.

And on motion of Mr. Craft, the rules were suspended and the resolution was adopted.

The Rules Committee reported the following Senate resolution:

S. R. 64. Resolved by the Senate, that H. 71 be made a special order for 11:00 o'clock A. M. on this the 18th legislative day.

And on motion of Mr. Teasley, the resolution was put upon an immediate passage and adopted, and said bill, H. 71, made a special order for 11:00 o'clock on this day.

Mr. Jordan offered the following Joint Resolution:

S. J. R. 65. Resolved by the Senate, the House concurring that when the two Houses adjourn today they adjourn to meet again on Tuesday, October 4th at 11 o'clock A. M.

Which was read and referred to the Standing Committee on Rules.

Mr. Scruggs offered the following Joint Resolution:

S. J. R. 66. Whereas it has been made known to the Senate and House that the representatives of the Alabama Education Association and others interested in the educational affairs of the State of Alabama desire to appear before a joint meeting of the House and Senate for the purpose of explaining the affairs connected with education in Alabama, and its needs to the members of the two Houses;

Now therefore, be it resolved by the Senate, the House concurring, that the two Houses invite said representatives to appear before them at the hour of 11:30 o'clock on Tuesday, October 4, 1932 to present said matters.

And on motion of Mr. Scruggs, the rules were suspended and the resolution was adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 96. To amend Section 2216 of the Code of Alabama as amended by Act of the Legislature of 1927, approved September 10, 1927:

T. A. Goodwin,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a

two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing, report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill, your signature thereto is requested:

H. 333. To amend an Act entitled "An Act to fix and regulate the fees of State witnesses in criminal cases in the Law and Equity Court and Circuit Court of Franklin County, Alabama, and before the Grand Jury of said county, and to provide for the payment thereof, and to provide for the collection of witness fees from defendants convicted and for the disposition of same," approved July 9th, 1927.

J. H. Stewart,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate:

By Mr. Norman:

H. 281. For the protection of preferred stockholders in domestic Public Utility corporations.

Also:

By Mr. Sossaman:

H. 44. To repeal an Act of the Legislature of Alabama approved July 10th, 1931 entitled "An Act to provide that unless otherwise stated in the Act or Resolution calling such election, whenever any special election is ordered by the Legislature upon any proposed amendment or amendments to the Constitution of this State affecting only one municipality in this State, then if such municipality has as much or more than 68,000 and under 200,000 inhabitants according to the last or any subsequent Federal Census, and if no amendment or amendments other than those affecting said municipality are submitted to the voters of the State at said

election, the expense of holding such election, including the cost of publication, shall be paid by the municipality so affected."

Also:

By Mr. Taylor:

H. 47. To amend an Act approved February 18th, 1927, entitled: "An Act to further regulate the custody, care, maintenance and use of the county convicts by the several counties of the State, and to repeal all laws and parts of laws in conflict herewith."

Also:

By Mr. Green:

H. 172. To amend Section 30½ of an Act of the Legislature of Alabama, entitled An Act in reference to and to further provide for the general revenue of the State of Alabama, approved, August 22, 1923.

Also:

By Mr. Green:

H. 173. To amend Section Three of an Act entitled An Act in reference to and to further provide for the general revenue of the State of Alabama, approved August 22, 1923.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committees as follows:

H. 281 to the Committee on Judiciary

H. 44 to the Committee on Privileges and Elections

H. 47 to the Committee on Penitentiary, Prison and Prison Punishment

H. 172 and H. 173 to the Committee on Finance and Taxation.

CALENDAR BILL RE-COMMITTED

On motion of Mr. Scruggs, the bill:

S. 174. To authorize, regulate and provide for the admission in evidence of the conclusions or opinions of lay witnesses.

Was taken from today's calendar and re-referred to the Standing Committee on the Revision of Laws.

REPORT FROM RULES COMMITTEE

Mr. Powell, Chairman of Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report to-wit:

S. J. R. 65. Relative to adjournment of the two Houses until Tuesday, October 4th, 1932, at 11 A. M.

And on motion of Mr. Powell, said report was concurred in and the resolution was adopted.

BILLS ON THIRD READING

The bill:

H. 375. To alter and re-arrange the boundary line between Lee and Russell Counties.

Was read a third time at length and passed.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Mullins
Beasley	Duncan	Hubbard	Powell
Bonner	Edmundson	Jordan	Riddle
Brown	Farmer	Kelley	Scruggs
Caffey	Faulk	Lapsley	Shepherd
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth		

—34

The bill:

H. 376. To fix the just and equitable share of the county indebtedness of Lee County to be paid to Lee County by Russell County on account of the changes in the boundary lines between said Counties, and to authorize and require payment of such amount by Russell County to Lee County.

Was read a third time at length and passed.

Yeas, 35; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

The bill:

H. 255. To regulate the transportation, delivery, storage or sale of gasoline and other motor fuels in the State; to provide for the licensing by the State of certain individuals, firms, co-partnerships, corporations and associations engaging in the business of selling, distributing, or the withdrawing from storage of gasoline and other motor fuels, and to provide penalties for doing business without such license; to require bonds before engaging in such business; to require reports to State Tax Commission and immediate payment of all taxes, penalties and interest upon discontinuance of

business of selling, distributing or withdrawing from storage gasoline and other motor fuels, and to provide penalties for violations thereof; to regulate the transportation of gasoline and other motor fuels over the public highways and navigable waters of the State, and to provide penalties for violations thereof; to provide for the time and manner of delivering gasoline and other motor fuels to service stations and other places at which same shall be offered for sale at retail to the public, and to provide penalties for violations thereof; to prohibit the delivery of gasoline from certain trucks and other vehicles to the tanks of motor vehicles, except in cases of emergency, and to provide penalties for the violation thereof; to provide for the condemnation and sale of conveyances, boats and other property used in the illegal transportation, sale or delivery of gasoline and other motor fuels in the State, and to provide for the distribution of the proceeds of all such sales; to provide for rewards to persons furnishing information leading to the arrest and conviction of persons violating the provisions of this Act; to provide for the restraining and enjoining of certain persons illegally selling, distributing, withdrawing from storage or transporting gasoline, and to provide generally for the enforcement of the provisions of this Act.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Riddle
Beasley	Duncan	Hubbard	Scruggs
Bonner	Farmer	Jordan	Shepherd
Caffey	Faulk	Lapsley	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—27

The bill:

H. 59. To fix the salary of the Tax Assessor of Walker County, Alabama, and to provide for clerical assistance and other expenses; to require said Tax Assessor to collect all fees, compensations, allowances and commissions heretofore collected by said Tax Assessor from any and all funds and sources, including county, State and School funds and all other sources, and to pay same into the County Treasury of Walker County, Alabama, and to provide for the payment of the salary, clerical assistance, and other office expense out of the general funds of Walker County, Alabama, and to fix the time this bill shall become a law.

Was read a third time at length and passed.

Yeas, 35; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Kiddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

The bill:

H. 278. To amend Section 376 of the Code of Alabama, 1923, as amended by an Act of the Legislature of Alabama, approved August 20th, 1927, entitled: "An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923", found on page 274 of the Acts of 1927.

Was taken up.

Mr. Scruggs offered the following amendment to said bill to-wit:

Amend H. 278 as follows:

Strike out the words: "and may also make an order requiring the books of registration to be opened for not exceeding five consecutive working days, beginning on the first Monday in October, 1932, and each two years thereafter" and insert in lieu thereof, the following words and figures, to-wit:

"And may also make an order requiring the books of registration to be opened for not exceeding five consecutive working days, beginning on the third Monday in October, 1932, and thereafter may make an order requiring the books of registration to be opened for not exceeding five consecutive working days, beginning on the First Monday in August, 1934 and each two years thereafter."

Further amend said bill by striking therefrom the words: "ten working days" wherever they appear together therein, and add in lieu thereof the words: "five working days."

Was adopted.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Scruggs
Beasley	Duncan	Jordan	Shepherd
Bonner	Farmer	Kelley	Teasley
Caffey	Faulk	McDaniel	Walker
Cooper	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth		

—26

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hooton	Millsap
Beasley	Delony	Hubbard	Powell
Bonner	Duncan	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Garrett	McDaniel	Warren
Cooper	Goodwin	McDowell	Wikle
Craft	Hildreth		

—26

The bill:

H. 308. To relieve the Tax Assessor of Escambia County, Alabama, from the duty of preparing a book of Assessments, and in lieu thereof to arrange in alphabetical order, according to Beats, the original assessments lists and have the same permanently bound and kept as a permanent record and prepare the Tax Collector's abstracts from said assessment lists and to repeal all laws in conflict herewith.

Was read a third time at length and passed.

Yeas, 35; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

CONSIDERATION OF SPECIAL ORDER

The hour of 11 o'clock having arrived, the Senate preceeded to consider the special order for that hour, which was the bill:

H. 71. To regulate the manufacture for sale, the transportation, sale and possession of cereal beverages, in which hops, malt, or other light ingredients are used, containing not more than one-half of one per cent alcohol, or such amount not in excess of that prohibited by the laws of the United States of America under authority of the Eighteenth Amendment to the Constitution of the United States.

Mr. Mullins offered the following amendment to said bill to-wit:

Amend H. 71 by striking from the Caption and Sec. 1 of said bill the following words immediately after the word Alcohol: "Or such amount not in excess of that prohibited by the laws of the United States of America under authority of the Eighteenth Amendment to the Constitution of the United States."

Which was adopted.

Yeas, 31; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Powell
Bonner	Edmundson	Jordan	Riddle
Caffey	Farmer	Kelley	Scruggs
Cooper	Faulk	Lapsley	Shepherd
Cowart	Fletcher	McDaniel	Teasley
Craft	Garrett	McDowell	Walker
Darden	Goodwin	Millsap	Warren
Delony	Hildreth	Mullins	

—31

And said bill as thus amended, was read a third time at length and passed.

Yeas, 24; nays, 10.

Yeas:

Messrs.:

Brown	Farmer	Jordan	Powell
Cowart	Fletcher	Kelley	Scruggs
Craft	Garrett	McDaniel	Shepherd
Delony	Goodwin	McDowell	Teasley
Duncan	Hildreth	Millsap	Warren
Edmundson	Hubbard	Mullins	Wikle

—24

Nays:

Messrs.:

Bartlett	Caffey	Faulk	Riddle
Beasley	Cooper	Hooton	Walker
Bonner	Darden		

—10

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 65. Relative to the adjournment of the two Houses until Tuesday, October 4, 1932, at 11 o'clock, A. M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 375. To alter and re-arrange the boundary line between Lee and Russell Counties.

Also:

H. 376. To fix the just and equitable share of the county indebtedness of Lee County to be paid to Lee County by Russell County on account of the changes in the boundary lines between

said Counties, and to authorize and require payment of such amount by Russell County to Lee County.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MOTION TO TAKE FROM ADVERSE CALENDAR

Pursuant to notice heretofore given, Mr. Mullins moved to take from the Adverse Calendar, have the same read the second time and placed on the Calendar for a third reading, the bill:

S. 161. To release owners of motor vehicles from responsibility for injuries to passengers therein where such passengers are transported without charge, and to provide that the defense of contributory negligence shall not in any case be abrogated.

Which motion prevailed, and said bill was taken from the Adverse Calendar, read a second time and placed on the regular calendar.

Yeas, 22; nays, 4.

Yeas:

Messrs.:

Bartlett	Darden	Goodwin	Mullins
Beasley	Duncan	Hildreth	Powell
Brown	Edmundson	Hubbard	Riddle
Caffey	Faulk	Jordan	Scruggs
Cowart	Fletcher	Millsap	Wikle
Craft	Garrett		

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Nays: Messrs. Bonner, Cooper, Lapsley and Shepherd.

— 4

BILLS ON THIRD READING RESUMED

The bill:

H. 213. To amend Section 9023 of the Code of Alabama of 1923.

Was taken up. Mr. Hildreth offered the following amendment to said bill to-wit:

Amend the caption to H. 213 by striking out the figures "9023" in said caption and substituting in lieu thereof the following "9022."

Which was adopted.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Goodwin	Powell
Brown	Duncan	Hildreth	Scruggs
Caffey	Edmundson	Hubbard	Walker
Cooper	Farmer	Lapsley	Warren
Craft	Faulk	McDowell	Wikle
Darden	Fletcher	Mullins	

—23

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Garrett	McDowell
Beasley	Duncan	Goodwin	Millsap
Brown	Edmundson	Hildreth	Riddle
Caffey	Farmer	Hubbard	Scruggs
Cooper	Faulk	Jordan	Warren
Craft	Fletcher	Lapsley	Wikle
Darden			

—25

The bill:

S. 172. To amend an Act "To abolish the Board of Revenue of Walker County, Alabama, and to establish in lieu thereof a County Commission; to provide when said Board of Revenue shall be abolished and said County Commission established; to provide the number of members and who shall constitute the members of said County Commission, and to prescribe their terms of office, authority, powers and duties and fix their compensation; to provide for the selection and election of said members and to repeal all laws and parts of laws in conflict herewith," approved June 13, 1931, said Act to be amended so as to read as follows: AN ACT to abolish the Board of Revenue of Walker County, Alabama and to establish in lieu thereof a County Commission; to provide when said Board of Revenue shall be abolished and said County Commission established; to provide the number of members and who shall constitute the members of said County Commission, and to prescribe their terms of office, authority, powers and duties and fix their compensation; to provide for the selection and election of said members and to repeal all laws and parts of laws in conflict herewith.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 35; nays, 0.

Yeas:

Messrs.:

Bartlett	Caffey	Darden	Farmer
Beasley	Cooper	Delony	Faulk
Bonner	Cowart	Duncan	Fletcher
Brown	Craft	Edmundson	Garrett

Goodwin	Kelley	Mullins	Teasley
Hildreth	Lapsley	Powell	Walker
Hooton	McDaniel	Riddle	Warren
Hubbard	McDowell	Scruggs	Wikle
Jordan	Millsap	Shepherd	

—35

The bill:

H. 58. To repeal an Act entitled "An Act to authorize the Sheriff of Walker County, Alabama, to appoint two special and general deputies, fix their tenure of office, prescribe their duties, fix their compensation and to authorize and require the Court of County Commissioners to pay the same by warrants drawn on the Treasurer and paid out of the general funds of said county, and to require said deputies to give bonds in the sum of \$2,000.00 payable to said Sheriff with conditions as required by Section 2595 of the Code of Alabama of 1923." Approved February 27, 1927.

Was read a third time at length and passed.

Yeas, 36; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth	Mullins	

—35

The bill:

H. 60. To fix the salary of the Tax Collector of Walker County, Alabama, and to provide for clerical assistance and other expenses; to require said Tax Collector to collect all fees, compensations, allowances and commissions heretofore collected by said Tax Collector from any and all funds and sources, including county, State and school funds and all other sources, and to pay same into the County Treasury of Walker County, Alabama, and to provide for the payment of the salary, clerical assistance, and other office expense out of the general funds of Walker County, Alabama, and to fix the time this bill shall become a law.

Was read a third time at length and passed.

Yeas, 35; nays, 0.

Yeas:

Messrs.:

Bartlett	Cowart	Farmer	Hooton
Beasley	Craft	Faulk	Hubbard
Bonner	Darden	Fletcher	Jordan
Brown	Delony	Garrett	Kelley
Caffey	Duncan	Goodwin	Lapsley
Cooper	Edmundson	Hildreth	McDaniel

McDowell
Millsap
Mullins

Powell
Riddle
Scruggs

Shepherd
Teasley
Walker

Warren
Wikle

—35

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 278. To amend Section 376 of the Code of Alabama, 1923, as amended by the Act of the Legislature of Alabama, approved August 20th, 1927, entitled: "An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923", found on page 274 of the Acts of 1927.

Also:

H. 71. To regulate the manufacture for sale, the transportation, sale and possession of cereal beverages, in which hops, malt, or other light ingredients are used, containing not more than one-half per cent alcohol.

J. H. Stewart,
Clerk.

REPORT OF THE SECRETARY

To the Senate:

Pursuant to the requirements of Joint Rule No. 5 of the Senate and House, I respectfully report the following Senate bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. 34. To make an appropriation of Two Hundred and Fifty Thousand (\$250,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present Extraordinary Session of the Legislature.

Delivered to the Governor August 26, 1932, at 11:20 A. M.

Also:

S. J. R. 34. Endorsing and recommending the Honorable John McDuffie of Alabama, for the office of Speaker of the House of Representatives of the Congress of the United States.

Delivered to the Governor September 2, 1932, at 10:40 A. M.

Also:

S. 18. To submit to the qualified voters of the State of Alabama, at the general election to be held in November, 1932, for their consideration, an amendment to the Constitution of the State of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, to fix, regulate and alter the fees, commissions, allowances to be charged or received by any county office of the following named counties in Alabama: Calhoun, Chilton, Colbert, Covington, Houston, Henry,

Jackson, Lawrence, Limestone, Shelby, Tallapoosa, Tuscaloosa and Walker, including the Sheriff, Judge of Probate, Tax Assessor, Tax Collector, Clerk of the Circuit Court and Register of the Chancery Court, and including the method or basis of their compensation, or to consolidate any of said offices in each of said counties.

Delivered to the Governor September 2, 1932, at 2:50 P. M.

Also:

S. 70. To authorize the Superintendent of Banks to co-operate with the depositors and common creditors of a closed bank in working out plans to reorganize and reopen the bank and to empower him to do all things necessary in connection therewith to make the bank safe and solvent after the plan has been submitted to and approved by the court having jurisdiction.

Delivered to the Governor September 6, 1932, at 4:55 P. M.

Also:

S. 15. For the relief of T. F. Griffin, Sheriff of Etowah County, Alabama.

Delivered to the Governor September 9, 1932, at 10:25 A. M.

Also:

S. 41. To authorize the City of Florala, Alabama, to use certain school bond funds on deposit in the defunct First National Bank of Florala, Alabama, as or in the Nature of a Set-Off or Counter-claim against an Indebtedness owed by said City to said Bank.

Delivered to the Governor September 9, 1932, at 10:25 A. M.

Also:

S. 80. To provide for the special relief of Lucia Jones and George W. Vanhoose, to authorize, empower and direct the Probate Judge of Tuscaloosa County, Alabama, and the custodian of the fiduciary funds of said county to pay to the said Lucia Jones and George W. Vanhoose out of the fiduciary funds paid or transferred to the treasury of said County by the Register of the Circuit Court of said County on the 9th day of October, 1930, the sum of \$1600.13 upon condition that the said Lucia Jones and George W. Vanhoose first enter into bond to secure against loss as a result of such payment any and every person who within ten years from October 9th of 1930, proves himself or herself legally entitled to any part of said funds in the manner provided for in Section 10466 of the Code of Alabama, of 1923.

Delivered to the Governor September 9, 1932, at 10:25 A. M.

Also:

S. 2. To amend Section 3110 of the Code of Alabama 1923.

Delivered to the Governor September 13th, 1932, at 11:15 A. M.

Also:

S. 3. To amend Section 3111 of the Code of Alabama 1923.

Delivered to the Governor September 13th, 1932, at 11:15 A. M.

Also:

S. 47. To amend Section 2107 of the Code of Alabama, 1923.

Delivered to the Governor September 13th, 1932, at 11:15 A. M.
Also:

S. 39. To establish an inferior court in Precinct 36 in Dallas County, Alabama, in lieu of all justices of the peace, and notaries public with powers of justices of the peace, in said precinct, to be known as "The Court of Common Pleas of Selma,"; and to define the jurisdiction and powers of said court, and the powers, disabilities and duties of the judge thereof; to provide for the execution of the process of said court, the issuance of certificates of judgment and the operation thereof; to regulate the procedure in said court, and the appeals therefrom; to provide for the appointment or election of the judge of said court; to fix the qualifications and compensation of said judge and the mode of his election, and term of office; to provide for the payment of the salary of the Judge and the expenses of said court; to abolish the office of justice of peace and notary public with powers of justice of the peace in said precinct; to provide for the transfer to said court of all causes pending in the justice of the peace courts in said precinct; to provide that the judge of said court may practice law; to provide for the payment of salaries of the Sheriff and Deputy Solicitor of said County for services rendered said Court; and to fix the costs and fees, and provide for the disposition of costs, fees, fines and forfeitures in said court.

Delivered to the Governor September 16th, 1932, at 11:20 A. M.
Also:

S. 74. To abolish "The Dallas County Court" and to provide for the transfer and disposition of the cases and records of said court, and of the balance of any money arising therefrom, after the payment of all just claims against said county court fund.

Delivered to the Governor September 16th, 1932, at 11:20 A. M.
Also:

S. 102. To amend Section 4195 (6964) of the 1923 Code of Alabama.

Delivered to the Governor September 22, 1932, at 11:50 A. M.
Also:

S. 59. To amend Section 8663 of the 1923 Code of Alabama.

Delivered to the Governor September 23d, 1932, at 11:20 A. M.
Also:

S. 105. To amend Section 246 of the Educational Code of Alabama, approved August 27, 1927.

Delivered to the Governor September 23d, 1932, at 11:20 A. M.
Also:

S. 1. To amend Section One of an act approved January 28th, 1927, and entitled, "An Act to provide for the expenses incurred by members of the Legislature of Alabama while in attendance upon sessions of the Legislature."

Delivered to the Governor September 27th, 1932, at 11:20 A. M.

Also:

S. 87. To better secure the administration of the financial affairs of the State and for that purpose to vest in the Governor certain powers and duties; to create the office, define the powers and duties and fix the salary of a State Comptroller; to provide for the transfer of the Department of Examiners of Accounts, its personnel, appropriations, records, equipment and other property, to the office of State Comptroller and to designate it as the Division of Departmental and County Audits; to abolish the Budget Commission, and to transfer the books, property and equipment of the Budget Commission to the office of the Comptroller; to relieve the State Auditor of certain duties and to provide for the transfer of certain employees and of unexpended balance of appropriations made for the salaries, together with certain books, records, documents, papers, office furniture and equipment and other property to the office of State Comptroller; to relieve the Board of Administration of certain duties and to provide for the transfer of certain employees and of unexpended balance of appropriations made for the salaries, together with certain books, records, documents, papers, office furniture and equipment and other property to the office of the State Comptroller; to provide for the transfer of the Secretary of the Senate and Clerk of the House of Representatives to the State Comptroller's Office during such time as the Legislature is not in session; to repeal certain definite, indefinite and contingent permanent appropriations; to establish a State Budget System; to provide for the lapsing of appropriations; to provide for the transmission of the budget to the Legislature; to provide a method for securing estimates of appropriations and for estimates of income of the State; to provide a tentative budget and to provide for hearings on the same; to provide for transmission of the tentative budget to the Governor; to provide for prorating appropriations to prevent an overdraft or deficit in any fiscal year for which appropriations are made; to provide for allotting appropriations to departments, institutions, bureaus, boards, commissions and other State agencies; to provide emergency appropriations; to provide that money received by departments, institutions, bureaus, boards, commissions or other State agencies shall be deposited in the Treasury and to provide how the same shall be held and paid out; to prevent the wrongful expending of appropriations and to provide penalties and punishment; to establish a fiscal year for the State and all State agencies; to provide when this Act shall go into effect and to provide for the repeal of certain laws in conflict with this Act.

Delivered to the Governor September 27th, 1932, at 11:20 A. M.

Also:

S. 128. To authorize Boards of Revenue, or other like governing body, in all counties which now have a population of not less than Seventy-five Thousand, nor more than One Hundred and Ten Thousand persons, according to the last Federal Census, or according to any such census hereafter taken, to expend not exceeding Twenty-five Hundred Dollars in advance payment for hospital accommodation and services for the poor of such county.

Delivered to the Governor September 27th, 1932, at 11:20 A. M.

Respectfully Submitted,

J. E. Speight,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Eighteenth Legislative Day, and finds same correct and containing all original entries and references thereto required by the Constitution.

Respectfully submitted,

Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read, and, on motion of Mr. Farmer, said report was concurred in and the Journal of the Senate for the Eighteenth Legislative Day, approved.

ADJOURNMENT

At 1:10 P. M. on motion of Mr. Mullins and pursuant to resolution heretofore adopted, the Senate adjourned until Tuesday, October 4th, 1932 at 11 A. M.

NINETEENTH DAY

Tuesday, October 4th, 1932.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill, presiding.

PRAYER

By Dr. C. B. Thompson of Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:			
Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden	Hooton		

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JOURNAL

On motion of Mr. Brown, the reading of the Journal of yesterday was dispensed with and the same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Warren:

S. 202. To fix the compensation or salary to be paid the Tax Assessor of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistance and other expenses in said office of the Tax Assessor of Tuscaloosa County, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter authorized to be collected by said official and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Tax Assessor of Tuscaloosa County, and the clerks, deputies, and other clerical assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of compensation of such Tax Assessor, and to prescribe when this Act shall go into effect.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill will be introduced for passage at the present special session of the Legislature, said bill to be entitled An Act substantially as follows:

A BILL TO BE ENTITLED AN ACT

To fix the compensation or salary to be paid the Tax Assessor of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistance and other expenses in said office of the Tax Assessor of Tuscaloosa County, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter authorized to be collected by said official and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Tax Assessor of Tuscaloosa County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of compensation of such Tax Assessor, and to prescribe when this Act shall go into effect.

Be It Enacted by the Legislature of Alabama:

Section 1: That commencing at the beginning of the next term of office of the Tax Assessor of Tuscaloosa County, Alabama, subsequent to the general election to be held on the first Tuesday after the first Monday in November, 1934, the salary or compensation of the Tax Assessor of Tuscaloosa County, Alabama, shall be Five Thousand (\$5,000.00) Dollars per year, and the said Five Thousand (\$5,000.00) Dollars annual salary or compensation shall be paid out of the County Treasury of Tuscaloosa County, in equal monthly installments at the end of each month.

Section 2: That when this Act goes into effect said Tax Assessor hereinabove referred to shall continue to collect all fees, compensation and allowances heretofore, or hereafter authorized to be collected by him and shall pay same into the County Treasury on the first Monday of each month after assuming the duties of office.

Section 3: The Board of Revenue of Tuscaloosa County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the said Tax Assessor, but the combined salary or compensation for said deputies, clerks and assistants selected by said Tax Assessor shall not exceed Forty-eight Hundred (\$4800.00) Dollars per annum. The said Tax Assessor shall have the right to discharge the said clerks, deputies, and assistants at will, as they shall serve only at his pleasure. In addition to the foregoing allowance the Board of Revenue shall pay for all necessary drawings, maps and plats and traveling expenses for annual rounds over the County as required by law. The salaries or compensations of said clerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of Tuscaloosa County upon separate warrants drawn by the Tax Assessor of Tuscaloosa County, Alabama.

Section 4: The Board of Revenue or other like governing body of Tuscaloosa County in addition to the foregoing shall provide said Tax Assessor with the necessary quarters, books, stationery, supplies, office equipment, files, furniture, typewriters, adding machines, postage and other conveniences and equipment necessary for the proper and efficient handling of the affairs of said office.

Section 5: The salary or compensation herein fixed shall be in lieu of all fees, compensation and allowances heretofore allowed and paid to said Tax Assessor.

Section 6: That all laws and parts of laws as applied to Tuscaloosa County, Alabama, in conflict with the provisions of this Act be, and the same are hereby repealed.

Section 7: The provisions of this Act shall become effective upon the expiration of the present term of the Tax Assessor of Tuscaloosa County, Alabama, provided the Constitution of the State of Alabama has been so amended at that time as to make this Act constitutional.

I hereby certify that the attached notice was published in the Tuscaloosa News, a newspaper published in Tuscaloosa County, once each week for four consecutive weeks; viz, Sept. 6, 13, 20, 27, 1932.

BRUCE SHELTON,
Publisher.

Subscribed and sworn to before me on this the 1st day of October, 1932.

KATIE LEE SIMMONS,
Notary Public.

By Mr. Warren:

S. 203. To fix the compensation or salary to be paid the Judge of Probate of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide clerical assistance and other expenses in the Probate Office of Tuscaloosa County, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter collected by said official and to pay the same into the County treasury; to provide for the payment of the salary or compensation of said official and the clerical assistants, and other office expenses out of said funds of the County, and to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of compensation of such officer, and to prescribe when said Act shall go into effect.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill will be introduced for passage at the present special session of the Legislature, said bill to be substantially as follows:

A BILL TO BE ENTITLED AN ACT

To fix the compensation or salary to be paid the Judge of Probate of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide clerical assistance and other expenses in the Probate Office of Tuscaloosa County, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter collected by said official and to pay same into the County Treasury; to provide for the payment of the salary or compensation of said official and the clerical assistants and other office expenses out of said funds of the County, and to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of compensation of such officer, and to prescribe when said Act shall go into effect.

Be It Enacted by the Legislature of Alabama:

Section 1: That commencing at the beginning of the next term of office of the Judge of Probate of Tuscaloosa County, Alabama, subsequent to the general election to be held on the first Tuesday after the first Monday in No-

vember, 1934, the salary or compensation of the Judge of Probate of Tuscaloosa County, Alabama, shall be Six Thousand (\$6,000.00) Dollars per year, excepting, however, that said Judge of Probate shall receive as compensation in addition thereto the sum now paid for his services as President of the Board of Revenue and a sum not exceeding Two Hundred (\$200.00) Dollars per annum for his ex-officio services; the said \$6000.00 annual salary or compensation shall be paid out of the County Treasury in equal monthly installments at the end of each month, and the sums received by said official as President of the Board of Revenue and for said ex-officio services shall be paid as now provided by law.

Section 2: That when this Act goes into effect said officer hereinabove named shall continue to collect all fees, compensation and allowances, heretofore or hereafter collected by him and shall pay same into the County Treasury on the first Monday of each month after assuming the duties of office.

Section 3: The Board of Revenue of Tuscaloosa County, Alabama, is required, authorized and empowered to provide sufficient clerical and other assistants to and deputies of the said officer, but the said officer shall select the deputies and other assistants and shall fix their compensation, but the combined salary or compensation to said deputies and assistants selected by him shall not exceed Six Thousand (\$6000.00) Dollars per annum. The said officer shall have the right to discharge the said deputies and assistants at will. The Board of Revenue is authorized and empowered to adopt rules and regulations if necessary for the conduct and operation of such officer made necessary by changing the method and basis of compensation under this Act. The salaries or compensations of said deputies and assistants shall be paid in equal monthly installments out of the general funds of the County upon warrants drawn by the Judge of Probate.

Section 4: The Board of Revenue or other like governing body of Tuscaloosa County shall provide said officer with the necessary quarters, books, stationery, office equipment, supplies, postage and other conveniences necessary for the efficient handling of the affairs of said office.

Section 5: The salary or compensation herein fixed shall be in lieu of all fees, compensation and allowances heretofore allowed and paid to said Judge of Probate.

Section 6: All laws and parts of laws as applied to Tuscaloosa County, Alabama, in conflict with the provisions of this Act be, and the same are hereby repealed.

Section 7: The provisions of this Act shall become effective upon the expiration of the present term of the Judge of Probate of Tuscaloosa County, Alabama, provided the Constitution of the State of Alabama has been so amended at that time as to make this Act constitutional.

I hereby certify that the attached notice was published in the Tuscaloosa News, a newspaper published in Tuscaloosa County, once each week for four consecutive weeks; viz, Sept. 6, 13, 20, 27, 1932.

BRUCE SHELTON,

Publisher.

Subscribed and sworn to before me on this the 1st day of October, 1932.

KATIE LEE SIMMONS,

Notary Public.

By Mr. Warren:

S. 204. To fix the compensation or salary to be paid the Tax Collector of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistance and other expenses in said office of the Tax Collector of Tuscaloosa County, Alabama, and to require said of-

ficial to collect all the fees, compensations and allowances heretofore or hereafter authorized to be collected by said official and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Tax Collector of Tuscaloosa County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of compensation of such Tax Collector, and to prescribe when this said Act shall go into effect.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill will be introduced for passage at the present special session of the Legislature, said bill to be entitled an Act substantially as follows:

A BILL TO BE ENTITLED AN ACT

To fix the compensation or salary to be paid the Tax Collector of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistance and other expenses in said office of the Tax Collector of Tuscaloosa County, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter authorized to be collected by said official and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Tax Collector of Tuscaloosa County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of compensation of such Tax Collector, and to prescribe when this said Act shall go into effect.

Be It Enacted by the Legislature of Alabama:

Section 1: That commencing at the beginning of the next term of office of the Tax Collector of Tuscaloosa County, Alabama, subsequent to the general election to be held on the first Tuesday after the first Monday in November, 1934, the salary or compensation of the Tax Collector of Tuscaloosa County, Alabama, shall be Five Thousand (\$5,000.00) Dollars per year, and the said Five Thousand (\$5,000.00) Dollars annual salary or compensation shall be paid out of the County Treasury of Tuscaloosa County, in equal monthly installments at the end of each month.

Section 2: That when this Act goes into effect said Tax Collector hereinabove referred to shall continue to collect all fees, compensation and allowances heretofore or hereafter authorized to be collected by him and shall pay same into the County Treasury on the first Monday of each month after assuming the duties of office.

Section 3: The Board of Revenue of Tuscaloosa County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the said Tax Collector, but the combined salary or compensation to said deputies, clerks and assistants selected by said Tax Collector shall not exceed Forty-eight Hundred (\$4800.00) Dollars per annum. The said Tax Collector shall have the right to discharge the said clerks, deputies and assistants at will, as they shall serve only at his pleasure. In addition to the foregoing allowance the Board of Revenue shall pay for all necessary traveling expenses for annual rounds over the county as required

by law. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of Tuscaloosa County upon separate warrants drawn by the Tax Collector of Tuscaloosa County, Alabama.

Section 4: The Board of Revenue or other like governing body of Tuscaloosa County in addition to the foregoing shall provide said Tax Collector with the necessary quarters, books, stationery, office equipment, supplies, files, furniture, typewriters, adding machines, postage and other conveniences and equipment necessary for the proper and efficient handling of the affairs of said office.

Section 5: The salary or compensation herein fixed shall be in lieu of all fees, compensation and allowances heretofore allowed and paid to said Tax Collector.

Section 6: That all laws and parts of laws as applied to Tuscaloosa County, Alabama, in conflict with the provisions of this Act be, and the same are hereby repealed.

Section 7: The provisions of this Act shall become effective upon the expiration of the present term of the Tax Collector of Tuscaloosa County, Alabama, provided the Constitution of the State of Alabama has been so amended at that time as to make this Act constitutional.

I hereby certify that the attached notice was published in the Tuscaloosa News, a newspaper published in Tuscaloosa County, once each week for four consecutive weeks; viz, Sept. 6, 13, 20, 27, 1932.

BRUCE SHELTON,
Publisher

Subscribed and sworn to before me on this the 1st day of October, 1932.

KATIE LEE SIMMONS,
Notary Public.

By Mr. Edmundson:

S. 205. To amend the title and body of an Act approved May 27th, 1931, and entitled "An Act to abolish the office of Coroner in all Counties in this State having a population of three hundred thousand (300,000) or more, according to the last or any subsequent Federal census and to require the County Commission in all such Counties to perform the duties now or which may hereafter be by law required of Coroners in this State; and to invest such County Commissions with all the rights and powers of such Coroners."

Committee on Banking and Insurance.

By Mr. Edmundson:

S. 206. To establish an Inferior Court for all precincts lying within or partly within the City of Birmingham, Alabama; said court to be in lieu of all Justices of the Peace, Notaries Public with powers of Justices of the Peace and all other Inferior Courts created in lieu of Justices of the Peace in said territory prior to the effective date of this Act except such courts as have criminal jurisdiction only and as otherwise limited by the terms of this Act, to define the jurisdiction and powers of said courts and the officers thereof; to provide for the election of the officers of said court; to provide for the election and selection of the officers of said court; to fix their term of office; to fix the compensation of said officers

and the method of paying the same; to provide the procedure in said court and to fix the method of service of all processes therefrom; to create and designate the officials to serve the processes issued from said court and to provide the compensation therefor, to designate the officers of said court and define their powers and duties; to provide for the establishment, maintenance, jurisdiction and powers of different branches of said court and branch offices thereof, to abolish in said city all Inferior Courts heretofore created in lieu of Justices of the Peace in and for all precincts lying within or partly within the City of Birmingham, except such courts as may have criminal jurisdiction only and as otherwise limited by the terms of this Act, and to provide for the transfer of such pending cases from such abolished courts to the courts hereby established.

Committee on Banking and Insurance.

With notice and proof thereto attached and herewith exhibited as follows:

TO ESTABLISH AN INFERIOR COURT IN ALL PRECINCTS LYING WITHIN OR PARTLY WITHIN THE CITY OF BIRMINGHAM.
To Whom It May Concern:

Take notice that at a special session of the Legislature of Alabama called to be held at Montgomery, Ala., commencing on Aug. 16, 1932, a bill, in substance as follows, will be introduced and the passage thereof applied for, namely:

A BILL TO BE ENTITLED AN ACT

To establish an Inferior Court for all precincts lying within or partly within the City of Birmingham, Alabama, said court to be in lieu of all Justices of the Peace, Notaries Public with powers of Justices of the Peace and all other Inferior Courts created in lieu of Justices of the Peace in said territory prior to the effective date of this act except such courts as have criminal jurisdiction only and as otherwise limited by the terms of this act, to define the jurisdiction and powers of said courts and the officers thereof; to provide for the election of the officers of said court; to provide for the election and selection of the officers of said court; to fix their term of office; to fix the compensation of said officers and the method of paying the same; to provide the procedure in said court and to fix the method of service of all processes therefrom; to create and designate the officials to serve the processes issued from said court and to provide the compensation therefor, to designate the officers of said court and define their powers and duties; to provide for the establishment, maintenance, jurisdiction and powers of different branches of said court and branch offices thereof, to abolish in said city all Inferior Courts heretofore created in lieu of Justices of the Peace in and for all precincts lying within or partly within the City of Birmingham, except such courts as may have criminal jurisdiction only and as otherwise limited by the terms of this act, and to provide for the transfer of such pending cases from such abolished courts to the courts hereby established.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established an Inferior Court for the City of Birmingham, Ala., said court to be in and for all precincts lying within or partly within such city except as hereinafter excepted and in lieu of all Justices of the Peace, Notaries Public with powers of Justices of the Peace, and

all other Inferior Courts, created in lieu of Justices of the Peace for said territory prior to the effective date of this act, except such courts as have criminal jurisdiction only and as otherwise hereinafter limited, said court to be known and designated as the Inferior Court of Birmingham, which said court shall have all the powers and jurisdiction now conferred or which may hereafter be conferred by law in civil matters upon Justices of the Peace and said court and the judges thereof shall have and exercise all the powers and authority and shall perform all the duties now prescribed by law or which may hereafter be prescribed by law for a Justice of the Peace in said territory.

Section 2. There shall be a judge of said court who shall be learned in the law and a resident citizen and qualified voter of Jefferson County. He shall be elected by the County Commission or like governing body of said county and shall serve for a term of four years and until his successor is elected and qualified. At the expiration of the term of office of such judge, and each four years thereafter, his successor shall be elected by the County Commission, or other like governing body of the county, for a term of four years, and until his successor is elected and qualified. Before entering upon his office he shall take the oath of office as prescribed by the Constitution of Alabama. The compensation of said judge shall be the sum of \$4,200.00 per annum and shall be payable in equal monthly installments out of the general fund of the county. The said judge shall be subject to impeachment for the same causes and in the same manner as is now provided by law for the impeachment of other Inferior Court judges. Any vacancy in the office of said judge shall be filled for the unexpired term by the County Commission or other like governing body of said county.

Section 3. There shall be a clerk of said court who shall be elected by the County Commission or other like governing body of the county and who shall serve for a term of four years and until his successor is elected and qualified. At the expiration of the term of office of said clerk and each four years thereafter his successor shall be appointed by the County Commission or other like governing body of the county for a term of four years and until his successor is elected and qualified. Said clerk before entering upon the duties of his office shall take the oath of office as prescribed by the Constitution of Alabama and enter into bond, the amount thereof to be fixed by the County Commission or other like governing body of Jefferson County, and conditioned as other official bonds are required by law to be conditioned and to be approved by the Probate Judge of the county, the premium on such bond to be paid out of the general fund of the county. The said clerk shall be subject to impeachment for the same causes and in the same manner as now provided by law for the impeachment of other county officials. The compensation of such clerk shall be the sum of \$3,000 per annum, payable out of the general fund of the county in equal monthly installments.

Section 4. The clerk of said court may appoint as many clerks or deputies as may be needful or necessary for the proper conduct of the affairs of said office and said clerks and deputies shall receive such compensation, payable out of the general fund of the county, as may be fixed by the County Commission or other like governing body of the county. Said deputies and clerks shall serve at the pleasure of the clerk of the court.

Section 5. The clerk of said court shall issue all processes out of this court, approve all bonds and keep the docket of the court; he shall certify all appeals and certioraris and generally do and perform all clerical duties proper and necessary for the conduct of the court. The fees and costs that are now allowed by law to Justices of the Peace in the county where said court is or may be situated or which may hereafter be allowed to Justices of the Peace in such county shall be taxed and collected as provided by law in such cases and shall be by the clerk paid into the county treasury.

Section 6. The judge of the court hereby established may punish for contempt for causes where the law authorizes judges of the Circuit Court to

punish for contempt by a fine not exceeding \$50 and by imprisonment not exceeding five days, one or both.

Section 7. Each calendar month shall constitute a term of said court established by this act, provided, however, that after five days from the rendition of a judgment in any cause that said judgment shall be beyond the jurisdiction and out of the powers of the court as if the term of said court ended on the fifth day after the rendition of said judgment.

Section 8. The court hereby established shall be open for business and the trial of cases at all times except Sundays.

Section 9. In all proceedings in said court the rules of law and procedure shall in so far as applicable and not in conflict with other provisions of this act be the same as those in justice of the peace courts in Jefferson County.

Section 10. The right of appeal from judgments and the law relating to appeals and certioraries from justice of the peace courts in Jefferson County shall be applicable to and be the same with respect to the judgments of this court and appeal and certioraris therefrom.

Section 11. This court shall have as against all justices of the peace, notaries public, ex-officio justices of the peace and all other inferior courts in lieu of justices of the peace in the county, the exclusive jurisdiction of all civil cases where the amount involved does not exceed \$100.00, except in cases of libel, slander, assault and battery and ejectment where the defendant or defendants reside in the territorial jurisdiction of the court except where the cause of action arose in or the contract sued on was made in a precinct not within the jurisdiction of this court or where one or more of the defendants reside in a precinct of such county not within the jurisdiction of this court or where one or more of the defendants reside in a precinct of such county not within the territorial jurisdiction of this court, and the courts established hereby shall have power upon reasonable notice to order the dismissal of any such suit wrongfully brought contrary to the provisions of this section and to punish the wilful failure to comply with such order as for a contempt.

Section 12. This court shall have authority on its own motion to require any non-resident of the State of Alabama filing a suit therein to give security for costs before the service of any process in such case.

Section 13. The owner of any judgment rendered by this court may file a certificate of the same in the office of the Judge of Probate under the same procedure and in the same manner as is now or may hereafter be provided by law for filing judgments of courts of record, which judgments when so filed and registered shall be a lien upon all property of the defendant in the county where registered which is subject to levy and sale under execution; and such lien shall continue for six years from date of the judgment, and the registration shall be notice to all persons of the existence of the lien.

Section 14. This court shall have the power to set aside, vacate or modify its judgment in civil cases upon motion made within five days after the rendition of same, which said motion must be promptly determined; the court may open for business and render default or other judgments at any time after nine o'clock of each day, and all processes of the court where no time is otherwise fixed shall be returnable and answerable at nine o'clock a. m. of the return day.

Section 15. The County Commission or other like governing body of Jefferson County shall at the expense of the county provide suitable court rooms to hold said court and shall also provide all necessary dockets, books and other supplies for the use of said court.

Section 16. If the judge of this court shall be unable to discharge the duties of his office by reason of absence, sickness, disqualification or inability to hold his court, it shall be the duty of the County Commission or other like governing body of the county to appoint some practicing attorney as special judge, who shall perform all the duties of the judge during such absence, ill-

ness, disqualification or inability of said judge, which said special judge shall receive the same compensation as the said regular judge of said court, provided, however, that if his said absence, illness, disqualification or inability to serve shall exceed a total of thirty days in each twelve months, the compensation of said special judge for all the time served by him in excess of said thirty days shall be deducted from the salary or compensation of the regular judge of such court.

Section 17. The summons must be issued by the clerk of the court and accompanied by the complaint of the plaintiff, or the cause of action endorsed on the summons setting forth the cause of action. The summons must be executed by the constable, sheriff or other officer authorized to serve process by leaving a copy of the summons and complaint, or summons with the cause of action endorsed thereon, with the defendant, which fact he must return with the process. All garnishments shall be answerable at or before nine o'clock a. m. of the return day of the writ and the court may render a conditional judgment against any garnishee who after proper service of the writ fails to answer at or before such time. Service of any notice proper to be made by publication may be perfected by one insertion of the notice and after 10 days from the date of insertion of any such notice the party so notified and failing to appear may be treated as in default. No more than three days' service of any rule or notice to show cause why a conditional judgment should not be made final shall be necessary in any garnishment proceeding in any such court.

Section 18. And it shall be the duty of the clerk of this court to issue an execution on all judgments rendered in said court after five days from the entry thereof and place the same in the hands of any constable, or the sheriff of the county who shall return such execution within 30 days thereafter, said return to show that he has collected said judgment and paid the same or the amounts collected, or is unable to find property of the person against whom said process issued out of which said execution can be satisfied.

Section 19. That if it shall appear to the clerk that in any cases in his court where an execution has been returned unsatisfied as to the cost of said cause and in the opinion of the clerk said cost can be collected by an alias execution, the clerk may issue such alias execution and may direct any constable, or the sheriff as to what property can be levied upon to satisfy said judgment.

Section 20. That all laws affecting or regulating the practice or procedure of courts of justices of the peace shall be applicable in the trial of civil cases in this court.

Section 21. The duties of the bailiff in this court shall be performed by the clerk of the court or one of his assistants.

Section 22. The clerk of this court or one of his assistants may enter default judgments and hear the evidence as to the amount of damages in all cases where service has been had and the defendant does not appear and shall report his findings to the judge of the court, and if the judge approves the amount of such judgment, he shall sign the same and it shall have the same effect as though said judgment had been duly and regularly taken and entered by the judge of said court.

Section 23. All cases and causes pending in any court abolished by this act together with all documents, papers and judgments shall be transferred to the court created by this act and shall proceed as if begun therein. All judgments rendered in all such courts abolished shall be the same as if rendered by the Inferior Court of Birmingham and said court shall have the same powers and control over the same and issue executions and other processes, thereon in all respects as if the judgment had been originally rendered by said Inferior Court of Birmingham.

Section 24. That this court shall not have jurisdiction in Precincts 45, 52 and 29 of said county nor shall this act be construed to abolish the Inferior Court of Ensley or any way to confer jurisdiction on this court of any mat-

ters or causes over which the Inferior Court of Ensley now or may hereafter by law be given jurisdiction.

Section 25. That this court shall not have jurisdiction to try any cause of action arising within Precinct 42 of said county and over which the Inferior Court in Precinct 42 called the Inferior Court of North Birmingham now exercises jurisdiction. That it is not the purpose and intent of this act to abolish said Inferior Court of North Birmingham created by an act of the Legislature approved September 7, 1927, but it is the intent and purpose of this act to preserve said court intact, and this act shall not be construed as abolishing said Inferior Court of North Birmingham or in any way interfering with the jurisdiction thereof. The judge of the Inferior Court of Birmingham created by this act shall be the judge of said Inferior Court of North Birmingham and shall hold court one day each week therein. That the judge of said Inferior Court of Birmingham shall receive no additional compensation for acting as judge of the Inferior Court of North Birmingham.

Section 26. That if any section or provision of this act shall be declared unconstitutional or void, this shall not affect any other section or provision not in and of itself unconstitutional or void.

State of Alabama }
County of Jefferson } ss:

On this 17 day of Sept. A. D., 1932, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State afore said J. H. Capps, who being duly sworn according to law, declares that he is bookkeeper of The Birmingham Age-Herald, a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates, Aug. 27th, Sept. 3, 10, 17th, 1932.

Signed J. H. CAPPS.

Subscribed and sworn to before me this day 17 of Sept. A. D., 1932.

W. O. OLIVER,
Notary Public.

(Seal)

By Mr. Edmundson:

S. 207. To provide for and create a Commission form of Municipal Government for the City of Bessemer, Jefferson County, Alabama; to abolish the offices of Mayor and Alderman and otherwise provide for the **creation and maintenance of said Commission** form of Government; To provide for the selection and election of a chairman and two associate commissioners in lieu of Mayor and Alderman; and to fix and prescribe their terms of office, to fix and define their powers, duties and compensation; to punish improper conduct in connection with the elections and petitions hereunder; to prescribe limitations and qualifications of officers and employees, and penalties for the violation of the provisions of this Act, and to fix and prescribe the date that said Act shall become effective and be in force and effect; to fix and define the qualifications of said Commissioners.

Committee on Banking and Insurance.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

To Whom It May Concern:

Take notice that the following bill or a bill in substance as follows will be introduced in the Legislature at the special session which convened on the 16th day of August, 1932, and its passage requested, and that this notice is given as provided by Section 106 of the Constitution of Alabama of 1901.

A BILL TO BE ENTITLED AN ACT.

To provide and create a Commission form of Municipal Government for the City of Bessemer, Jefferson County, Alabama: To abolish the offices of Mayor and Alderman and otherwise provide for the creation and maintenance of said Commission form of Government; To provide for the selection and election of a chairman and two associate commissioners in lieu of Mayor and Alderman; And to fix and prescribe their terms of office, to fix and define their powers, duties, and compensation, to punish improper conduct in connection with the elections, and petitions hereunder; To prescribe limitations and qualifications for officers and employees, and penalties for the violation of the provisions of this act, and, to fix and prescribe the date that said Act shall become effective and be in force and effect; To fix and define the qualifications of said Commissioners.

State of Alabama, }
Jefferson County. }

Bessemer, Ala.

Personally appeared before me, a notary public in and for said county, said state, Howe Price, who is known to me, and who being duly sworn deposes and says:

That he is the publisher of the Bessemer, Alabama Tribune-Advertiser and that the attached notice of An Act, creating a commission form of government for Bessemer, Alabama, was duly published in said newspaper on August 19, 25 and September 2 and 9, 1932, and that the attached clipping is hereby made a part of this affidavit.

HOWE PRICE.

Sworn and subscribed to before me, this 13th day of September, 1932.

SAM T. HUEY,
Notary Public.

(Seal)

By Mr. Hooton:

S. 208. To authorize game farming to include game birds, animals and fur bearers for propagation purposes in the State of Alabama, to provide for the issuance of permits to accredited individuals, associations, partnerships, firms and corporations, to provide that the Commissioner of Game and Fisheries shall make regulations governing the issuance of said permits and the conduct of game farms, to provide for the cancellation of permit when terms upon which it is issued are violated, and to provide for penalties for violation of this act, etc.

Committee on Fish, Game and Forestry.

REPORTS OF COMMITTEES

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a

favorable report and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Taylor (notice and proof):

H. 430. To provide for the employment of a Matron at the Mobile County Jail, to fix her duties, provide for her compensation and payment of same out of the County Treasury and to provide that all laws and parts of laws in conflict with the provisions of this Act are hereby repealed and to provide that this Act shall take effect immediately upon its passage and approval.

By Mr. Taylor (notice and proof):

H. 432. To authorize, empower and direct the Board of Revenue and Road Commissioners of Mobile County, Alabama, and the Treasurer of said County, to pay out of the funds of said County to the persons who served as officers of the Court of Domestic Relations of Mobile County, organized under an Act of the 1931 Legislature of Alabama, which was subsequently declared unconstitutional, the salaries each of them would have been paid under the terms of said Act for the time each of said persons served under same, namely from August seventeenth, nineteen thirty-one, to November sixth, nineteen thirty-one, for which services they have not been compensated, and to provide that said payments be made in the same manner and order and out of the same fund as expenses of the Courts are paid.

By Mr. Taylor (notice and proof):

H. 431. To provide that in Mobile County, Alabama, the salary of the Jail Matron, of the Jail Guards, and of Traffic Officers, shall be preferred claims against the County of Mobile, having the same priority as the salary of members of Boards of Revenue and Road Commissioners or like governing body in said county; to repeal all laws and parts of laws in conflict with this Act and to provide that this Act shall take effect immediately upon its passage and approval.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from His Excellency, the Governor, with his objections and proposed amendment to the bill:

H. 186. To provide for the levy, assessment and collection of Estate Taxes in the State of Alabama.

Said Governor's Message containing the proposed amendment being in words and figures as follows, viz:

To the Legislature of Alabama,
Montgomery, Alabama.
Gentlemen:

I am herewith returning to the House of Representatives, the body in which it originated, House Bill No. 186, without my approval.

I suggest the following amendments in order to correct two typographical errors, which seem to have been in the original bill:

1. In Line 4 of Section 1 the word "interstate" should be "intestate." The bill should be amended to make the word "intestate."

2. In Line 19 of Section 1 where the words "to the extent absorbing the amount" appear they should be "to the extent of absorbing the amount". The Act should be amended by inserting the word "of" between the word "extent" and the word "absorbing" where they appear together in said line.

3. In Line 9 of Section 14 of the Act the last words of Section 14 are, "as the base for the tax hereunder". This should be "as the basis for the tax hereunder". The act should be amended by substituting the word "basis" for the word "base."

With the amendments suggested the Act would meet my approval.

Respectfully,
B. M. MILLER,
Governor.

September 30, 1932.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill H. 186 by a vote of a majority of the whole number elected to the House, said vote being:

Yeas, 58; nays, 0.

And said bill as thus amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed by a vote of a majority of the whole number elected to the House, said vote being Yeas, 58; nays, 0.

And said bill together with the Governor's Message containing his proposed amendments are sent herewith to the Senate for its consideration.

J. H. Stewart,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Darden, the Senate concurred in and adopted the amendment proposed by his Excellency, the Governor, to H. 186, the title of which, together with said Governor's amendment, is set out in the foregoing message from the House.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett
Brown
Caffey
Cooper
Coward
Darden

Delony
Duncan
Farmer
Faulk
Fletcher
Jordan

Kelley
Lapsley
McDowell
Millsap
Mullins

Powell
Scruggs
Walker
Warren
Wikle

—22

Which was a majority of the whole number elected in the Senate.

And said bill, H. 186, as thus amended by the amendment of his Excellency, the Governor, was again read a third time at length and passed.

Yeas, 20, nays, 0.

Yeas:

Messrs.:

Bartlett

Brown

Caffey

Cooper

Cowart

Darden

Delony

Farmer

Fletcher

Hooton

Jordan

Lapsley

McDowell

Mullins

Powell

Riddle

Scruggs

Walker

Warren

Wikle

—20

Which was a majority of the whole number elected in the Senate.

RESOLUTIONS

The Rules Committee reported the following Joint Resolutions:

S. J. R. 67. RESOLVED BY THE SENATE, the House Concurring, that when the two Houses adjourn finally today, they adjourn to reconvene on Thursday at 10 o'clock A. M., October 6th, 1932.

And on motion of Mr. Powell, said report was concurred in and the resolution was adopted.

Mr. Craft offered the following Senate Resolution:

S. R. 68. Be it resolved by the Senate of Alabama that the written opinion of the Justices of the Supreme Court of Alabama, or a majority thereof, be asked for upon the following important constitutional questions:

1. Are H. 1039 printed on page 653 of the General Acts of Alabama 1927 and the amendment thereof being S. 128 printed on page 244 of the General Acts of Alabama 1931, either or both unconstitutional for any of the following reasons;

(a) Do either or both of them violate Sections 106 or 110 of the Constitution.

(b) Do either or both of them violate Sections 106 or 110 of the Constitution in that they designate Mobile County and where not advertised as required by law; that the population classification is not reasonable; that said bills show on their face that the population classification is not a bona fide classification but is so restricted as to designate Mobile County; that there is a double classification in that said court must be located in a county of a certain population which county must also have a municipality therein as shown by the fact that Section 2 of the act requires the appointment of part of the commission by the municipality and Section 8 requires the approval of the municipality of the appointment of certain officials of the court and Section 21 requires the payment of half of the costs of the court by the municipality; that there is a

double classification in that Section 4, 11 and 13 requires that said court be located in a county of a certain population and further requires that said county have a Detention Home and the court judicially knows that Mobile County is the only county in the state having a Detention Home which home was created by local act approved March 8th, 1915.

(c) Do said acts violate Section 45 of the Constitution in that they contain two subjects, that is, one subject creating a court and another subject in Section 19 in that it makes certain actions a misdemeanor and fixes the punishment thereof.

(d) Do said acts violate Section 45 of the Constitution in that the provisions of Section 19 making certain acts misdemeanors and fixing the punishment thereof and providing for their trial is not clearly expressed in the title to said acts.

(e) Do said acts violate Section 96 of the Constitution in that Section 20 thereof regulates costs and fees not applicable to the whole state.

(f) Do said acts violate Sections 106 or 110 of the Constitution in that the amending act of 1931 clearly shows an attempt to designate Mobile County by so restricting the Population class as to eliminate Montgomery County.

(g) Do said acts violate Sections 106 or 110 of the Constitution in that Section 22 thereof shows on its face that it is an attempt to abolish a prior juvenile court in one county and establish this court in lieu thereof.

(h) Do said acts violate Section 107 of the Constitution in that Section 24 attempts to repeal a local law by a general law.

Which was read and referred to the Committee on Rules.

Mr. Garrett offered the following Senate Resolution:

S. R. 69. Be it resolved by the Senate, that Whereas, there is now pending before the Senate, H. 112, and some questions have arisen as to the legality of the classification and exemptions therefrom of any motor truck, or any semi-trailer truck transporting milk or other perishable food for human consumption, as provided in exemptions of Act, Sub-Division D of Section 10.

Therefore, be it resolved by the Senate that the Justices of the Supreme Court be and they are hereby requested to give to the Senate their opinion on the following matters:

1. Is the classification as set forth in Section 4 of said bill with the exemptions as set forth in Sub-Division D of Section 10 of said bill a legal and reasonable classification?

2. Is the exception as set forth in Sub-Division D of Section 10 of said bill when construed in connection of Section 4 of said bill a reasonable classification and exception or exemption?

Which was read and referred to the Standing Committee on Rules:

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 58. To repeal an act entitled "An Act to authorize the Sheriff of Walker County, Alabama to appoint two special and general deputies, fix their tenure of office, prescribe their duties, fix their compensation and to authorize and require the Court of County Commissioners to pay the same by warrants drawn on the Treasurer and paid out of the general funds of said county, and to require said deputies to give bonds in the sum of \$2000.00 payable to said Sheriff with conditions as required by Section 2595 of the Code of Alabama of 1923." Approved February 27, 1927.

Also:

H. 59. To fix the salary of the Tax Assessor of Walker County, Alabama, and to provide for clerical assistance and other expenses; to require said Tax Assessor to collect all fees, compensations, allowances and commissions heretofore collected by said Tax Assessor from any and all funds and sources, including county, State and School funds and all other sources, and to pay same into the County Treasury of Walker County, Alabama, and to provide for the payment of the salary, clerical assistance and other office expense out of the general funds of Walker County, Alabama, and to fix the time this bill shall become a law.

Also:

H. 60. To fix the salary of the Tax Collector of Walker County, Alabama, and to provide for clerical assistance and other expenses; to require said Tax Collector to collect all fees, compensations, allowances and commissions heretofore collected by said Tax Collector from any and all funds and sources, including county, state and school funds and all other sources, and to pay same into the County Treasury of Walker County, Alabama, and to provide for the payment of the salary, clerical assistance, and other office expenses out of the general funds of Walker County, Alabama, and to fix the time this bill shall become a law.

Also:

H. 71. To regulate the manufacture, sale and possession of cereal beverages, in which hops, malt, or other light ingredients are used, containing not more than one-half of one per cent alcohol.

Also:

H. 255. To regulate the transportation, delivery, storage or sale of gasoline and other motor fuels in the State; to provide for the licensing by the State of certain individuals, firms, co-partnerships, corporations and associations engaging in the business of selling, distributing or the withdrawing from storage of gasoline and other motor fuels, and to provide penalties for doing business without such license; to require bonds before engaging in such bus-

iness; to require reports to State Tax Commission and immediate payment of all taxes, penalties and interest upon discontinuance of business of selling, distributing or withdrawing from storage gasoline and other motor fuels, and to provide penalties for violations thereof; to regulate the transportation of gasoline and other motor fuels over the public highways and navigable waters of the State, and to provide penalties for violations thereof; to provide for the time and manner of delivering gasoline and other motor fuels to service stations and other places at which same shall be offered for sale at retail to the public, and to provide penalties for violations thereof; to prohibit the delivery of gasoline from certain trucks and other vehicles to the tanks of motor vehicles, except in cases of emergency and to provide penalties for the violation thereof; to provide for the condemnation and sale of conveyances, boats and other property used in the illegal transportation, sale or delivery of gasoline and other motor fuels in the State, and to provide for the distribution of the proceeds of all such sales; to provide for rewards to persons furnishing information leading to the arrest and conviction of persons violating the provisions of this Act: to provide for the restraining and enjoining of certain persons illegally selling, distributing, withdrawing from storage or transporting gasoline, and to provide generally for the enforcement of the provisions of this Act.

Also:

H. 278. To amend Section 376 of the Code of Alabama, 1923, as amended, by an act of the Legislature of Alabama, approved August 20th., 1927, entitled: "An Act to amend Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923", found on page 274 of the Acts of 1927.

Also:

H. 308. To relieve the Tax Assessor of Escambia County, Alabama, from the duty of preparing a book of Assessments, and in lieu thereof to arrange in alphabetical order, according to Beats, the original assessments lists and have the same permanently bound and kept as a permanent record and prepare the Tax Collector's abstracts from said assessment lists and to repeal all laws in conflict herewith.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 63. Relative to a joint session of the two Houses at 11:45 A. M., Tuesday, October 4, 1932, for the purpose of hearing the Hon. W. C. Snead, Chief Engineer of the U. S. Department of Public Roads.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 66. Relative to joint session of the two Houses on Tuesday, October 4, 1932, at 12:00 o'clock, for the purpose of hearing representatives of the Alabama Educational Association.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 213. To amend Section 9022 of the Code of Alabama of 1923.

J. H. Stewart,
Clerk.

BILLS ON THIRD READING

The bill:

S. 88. To redefine the duties of the State Auditor; to relieve the State Auditor of certain duties now imposed by law; to transfer certain of such duties as are now by law required of the State Auditor to the State Tax Commission, and/or State Commission of Forestry and/or the Office of State Comptroller.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 4.

Yeas:

Messrs.:

Bartlett
Beasley
Caffey
Cooper
Coward
Craft

Darden
Delony
Fletcher
Garrett
Goodwin
Jordan

Kelley
Lapsley
McDaniel
McDowell
Mullins
Powell

Scruggs
Shepherd
Walker
Warren
Wikle

Nays: Messrs. Bonner, Duncan, Faulk and Hooton.

— 4

The bill:

S. 189. To amend Sub-division 2 of Section 834 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays, 2.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Caffey
Cooper
Coward
Darden

Delony
Fletcher
Garrett
Goodwin
Jordan
Kelley

Lapsley
McDaniel
McDowell
Millsap
Mullins
Powell

Scruggs
Shepherd
Teasley
Walker
Warren
Wikle

—25

Nays: Messrs.: Faulk and Hooton.

—2

The bill:

H. 220. A bill to be entitled an Act to submit to the qualified voters of the State at the general election to be held on the first Tuesday after the first Monday of November, 1934, for their consideration an amendment to the Constitution of the State so as to direct the Legislature from time to time by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, to fix, regulate and alter the costs, charges of court, fees, commissions, allowances or salaries to be charged or received by certain county officers of Mobile County, Alabama, being the Judge of Probate, the Tax Assessor, the Tax Collector, the Clerk of the Circuit Court, and the Register of the Circuit and Chancery Courts, including the method or basis of the compensation of such officers.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration as hereinafter set forth, namely: "The Legislature of Alabama may hereafter from time to time by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, fix, regulate and alter the costs, charges of court, fees, commissions, allowances or salaries to be charged or received by the following County officers of Mobile County, Alabama, being the Judge of Probate, the Tax Assessor, the Tax Collector, the Clerk of the Circuit Court, and the Register of the Circuit Court, including the method and basis of the compensation of such officers.

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each county in the State at least eight successive weeks next preceding

the general election in November, 1934, of the election on the amendment proposed by this act to be submitted to the qualified voters of the State for their consideration, together with the proposed amendment.

Section 3. That at the general election in November, 1934, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, namely: "Proposed Amendment to Constitution. The Legislature of Alabama hereafter from time to time by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, may fix, regulate and alter the costs, charges or court, fees, commissions, allowances or salaries to be charged or received by the following county officers of Mobile County, Alabama, the Judge of Probate, the Tax Assessor, the Tax Collector, the Clerk of the Circuit Court, and the Register of the Circuit Court, including the method and basis of the compensation of such officers." Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section 4. The officers of said general election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon such proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Governor, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Was read a third time at length and passed.

Yeas, 27; nays, 0.

Yeas:

Messrs.:	Darden	Hooton	Powell
Bartlett	Delony	Jordan	Riddle
Beasley	Duncan	Kelley	Scruggs
Bonner	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDowell	Warren
Cooper	Fletcher	Millsap	Wikle
Cowart	Garrett	Mullins	
Craft	Goodwin		

—27

The bill:

S. 181. To abolish the office of Deputy Solicitor and the office of Assistant Circuit Solicitor in and for the Twenty-third Judicial

Circuit composed of Madison County, and to repeal all laws, general, special or local, in conflict with the provisions of this Act, insofar as they relate to Madison County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden			

—33

The bill:

S. 182. To amend an Act, approved April 4, 1911, entitled: "An Act to establish in Precinct One, in Madison County, Alabama, an interior Court in lieu of all justices of the Peace and notaries public with the power of the Justices of the Peace, in said Precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said Court and the Judge thereof," as amended by Local Act of the Legislature of Alabama, approved July 27, 1923, and as amended by Local Act of the Legislature of Alabama, approved March 2, 1931, by amending Section 23 of said amended Act.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Mullins	Wikle
Darden			

—33

The bill:

S. 183. To amend an Act entitled, "An act to create and establish a Board of County Commissioners in and for Madison County, Alabama, in the place and stead of the Board of Revenue of Madison County now existing in said county, and abolishing said Board of Revenue in Madison County; to divide said county of Madison into five districts, defining the boundaries thereof; de-

fining the jurisdiction of said Board of County Commissioners, fixing their compensation; conferring upon said Board of County Commissioners all the jurisdiction, powers and authority granted by law to County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; and to authorize said Board of County Commissioners for the purpose of maintaining the public roads, bridges and ferries of Madison County to impose a tax on gasoline, Woco-Pep or other substitute therefor sold in the county, not to exceed three cents per gallon, and to provide the machinery for its collection; authorizing the appointment of said Board of County Commissioners of a clerk, and a supervisor of public roads, providing for the holding of monthly meetings of said Board of Commissioners and providing for the repeal of all laws in conflict with this Act; providing for the appointment, nomination and election of said Board of Commissioners approved September 20th, 1923," as amended by local Act of the Legislature of Alabama approved February 15th, 1927, and by Local Act of the Legislature of Alabama approved July 20th, 1931; by amending Section 12½ to authorize and empower the Board of County Commissioners to make donation to Local Chapter of the American Red Cross in said County, and for that purpose to appropriate to said donation a portion of County gasoline tax, and to ratify appropriations heretofore made to Local Red Cross Chapter.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Farmer	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Caffey	Fletcher	McDaniel	Teasley
Cooper	Garrett	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hooton	Mullins	Wikle
Darden			

—33

The bill:

S. 185. To amend Section 14 of an Act entitled "An Act to establish in precinct one in Madison County, Alabama, an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in said precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said court and the judge thereof", approved April 4, 1911.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden			

—33

JOINT SESSION

In accordance with S. J. R. 63 and S. J. R. 66 heretofore adopted the Senate and House met in Joint Session in the Hall of the House.

The Lieutenant-Governor and Presiding officer of the Senate directed the Secretary of the Senate to call the roll of the Senate.

Whereupon the following Senators answered to their names:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden	Hooton		

—34

A quorum of the Senate was present.

The Speaker of the House directed the Clerk of the House to call the roll of the House.

Whereupon the following members answered to their names:

Messrs.:

Mr. Speaker	Coats	Green	Lawler
Allen	Cook	Gullatt	Lee (Coffee)
Arrington	Culver	Guy	Lee (Monroe)
Bains	Davis (Macon)	Hamby	Lovelace
Barber	Davis (Pickens)	Hampton	Loyd
Beebe	DeSear	Harrison	Manasco
Black	Edgar	Hightower	Matthews
Bradford (Cherokee)	Fite	Holland	Miller
Bradford (Jefferson)	Frazer	Hollingsworth	Mize
Brooks	Giddens	Johnston	Molette
Burns	Givhan	Jones	Morrow
Burton	Glover (Elmore)	Jordan	Mulkey
Callahan	Glover (Henry)	Kelley (Conecuh)	McClendon
Callaway	Goode	Kelly (Talladega)	McDonald
Carmichael	Goodwyn	Kettler	McGowin
Christopher	Granade	Key	McGraw
Clayton	Graves	Lancaster	McNeel

Norman	Reeder	Sossaman	Thompson
Ogden	Rish	Sparks	Tidwell
O'Neal	Robinson	Spencer	Tucker
Parker	St. John	Stewart	Wallace
Patterson	Sanderson	Stokes	Ward
Pierce	Shepherd	Sutton	Ware
Pitts	Smith (Coosa)	Swift	West
Poole	Smith (Lee)	Tate	Williams
Posey	Snodgrass	Taylor	Yerby

—104

A quorum of the House was present.

The Joint Session was called to order by the Lieutenant Governor and Presiding Officer of the Senate.

Messrs. W. C. Snead, L. G. Smith, A. F. Harmon and J. A. Keller addressed the Joint Session.

The Lieutenant Governor then announced that the purposes of the Joint Session having been completed the Senate would retire to its Chamber.

ROLL CALL

Present:

Messrs.:			
Bartlett	Delony	Hooton	Mullins
Beasley	Duncan	Hubbard	Powell
Bonner	Edmundson	Jordan	Riddle
Brown	Farmer	Kelley	Scruggs
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden			

—33

RECESS

At 1:30 P. M., on motion of Mr. McDowell, the Senate took a recess until 3:30 o'clock this afternoon.

AFTERNOON SESSION—NINETEENTH DAY

October 4th, 1932.

The Senate re-assembled at 3:30 o'clock P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Present:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden	Hooton		

—34

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Powell:

S. 209. Conferring the right for a period of ninety days from the passage of this Act to institute suit in equity to contest wills where suit has been heretofore instituted within the time permitted before the adoption of Acts Nos. 733 and 731, approved August 1, 1931, but not within the time permitted by said Acts.

Committee on Revision of Laws.

By Mr. Darden:

S. 210: To abolish the offices of tax collector and tax assessor of Coosa County, Alabama and to create in lieu thereof the office of tax assessor-collector for Coosa County, Alabama; to provide for the nomination and election of tax assessor-collector, to define his duties and powers, to prescribe his qualifications and to fix his salary or compensation and provide for payment thereof; to require the tax assessor-collector to execute proper and necessary bonds for the faithful discharge of his duties as now provided by law for tax collectors and tax assessors in the State of Alabama are required to execute; to require said tax assessor-collector to collect all commissions and fees now required by law for tax collectors and tax assessors to collect and to pay the same into the general funds of Coosa County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF A LOCAL BILL.

To Whom It May Concern:

Notice is hereby given that a local bill for Coosa County, Alabama, will be introduced at the Special Session of the Legislature of Alabama, commencing August 16th, 1932, the substance of which bill will be as follows:

1. To abolish the offices of Tax Collector and Tax Assessor of Coosa County, Alabama, and to create and establish in lieu thereof the office of Tax Assessor-Collector for Coosa County, Alabama.

2. To provide for the nomination, election of Tax Assessor-Collector, to define his duties and powers, prescribe his qualifications and fix his salary or compensation and the payment thereof; to require the Tax Assessor-Collector to execute proper and necessary bond for the faithful discharge of his duties as now provided by law for tax collectors and tax assessors are required to execute, and to require said Tax Assessor-Collector to collect all commissions and fees now required by law for tax collectors and tax assessors and to pay the same into the general funds of Coosa County.

FELIX L. SMITH,
Rep. Coosa County.

State of Alabama, }
Tallapoosa County. }

Before me, C. S. Melton, a notary public in said state and county, personally appeared Thos. S. Bugg, publisher of the Goodwater Enterprise, a weekly newspaper with a general circulation in Coosa County, Alabama, who deposes and says upon oath, that the attached notice of a local bill was published in said newspaper for four consecutive issues, to-wit: On August 25, 1932; September 1, 1932; September 8, 1932; and September 15, 1932.

THOS. S. BUGG,
Publisher.

Sworn to and subscribed before me, this the 21st day of September, 1932.

C. S. MELTON,
Notary Public.

(Seal)

REPORTS OF COMMITTEES

Mr. Craft, Chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Yerby:

H. 98. To declare it unlawful to name, call or designate any building, bridge, or other structure or any institution constructed, erected, maintained or financed, in whole or in part by the State of Alabama after any person whomsoever then living; provided the Act shall not apply to buildings, bridges, or other structures or institutions now existing.

By Mr. Scruggs:

S. 196. To amend Section 1 of an Act entitled; "An Act to Provide for and authorize an incorporation by the Alabama Highway Director, the President of the State Board of Administration of Alabama and the Chairman of the State Tax Commission of Alabama, for the purpose of constructing or causing to be constructed bridges and

the approaches, for public use, on, or connecting highways in this State; to prescribe its powers and duties; to exercise the right of eminent domain; to provide for the raising of necessary funds for such purpose; to prescribe the rights and powers of the purchasers of any bonds issued; to maintain and operate such bridges, to operate any such bridge or bridges for toll until the cost of construction and maintenance shall have been paid; to provide for the payment of interest on said bonds by the State of Alabama," approved August 31, 1927.

By Mr. Scruggs (with amendment):

S. 197. To provide for the leasing to the State Highway Department of the State of Alabama by the Alabama State Bridge Corporation of all the bridges and other property now owned by the Alabama State Bridge Corporation; to provide the method and manner of execution of said lease and the future use of said property, and to make an appropriation therefor.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 67. Relative to the adjournment of the two Houses until Thursday, October 6, 1932, at 10:00 o'clock, A. M.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Miller:

H. 181. To make an appropriation of One Hundred and Fifty Thousand (\$150,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury to defray the expenses incurred by the present session of the Legislature, said appropriation to be available on the passage and approval of this Act.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee as follows:

H. 181 to the Committee on Finance and Taxation.

BILLS ON THIRD READING

The bill:

S. 161. To release owners of motor vehicles from responsibility for injuries to passengers therein where such passengers are transported without charge, and to provide that the defense of contributory negligence shall not in any case be abrogated.

Was taken up.

Mr. Mullins offered the following substitute for said bill, to-wit:

A BILL

To be entitled an Act to release owners of motor vehicles from responsibility for injuries to passengers therein where such passengers are transported without charge, and to provide that the defense of contributory negligence shall not in any case be abrogated.

Be it enacted by the Legislature of Alabama:

Section 1. That no person transported by the owner or operator of a motor vehicle as his or her guest without payment for such transportation shall have a cause of action for damages against such owner or operator for injury, death or loss, in case of accident, unless such accident shall have been intentional on the part of said owner or operator or caused by his or her reckless disregard of the rights of others, or willfully, wantonly, or intentionally.

Section 2. That the provisions of this act shall not be held to relieve a public carrier, or any owner or operator of a motor vehicle while the same is being demonstrated to a prospective purchaser, of responsibility for any injuries sustained by a passenger being transported by such public carrier or by such owner or operator.

Section 3. That in the enforcement and administration of the provisions of this act, it is intended that the defense of contributory negligence and assumption of risks shall not in any case be abrogated but that contributory negligence or assumption of risks shall be a defense though heedlessness or recklessness or disregard of the rights of others on the part of the plaintiff is proved or alleged.

Section 4. That this act shall go into effect immediately upon its passage and approval by the Governor.

Mr. Warren moved that said bill and pending substitute be indefinitely postponed.

Mr. Mullins moved to table the motion, to indefinitely postpone, which motion was lost.

Yeas, 7; nays, 19.

Yeas:

Messrs.:

Craft
Duncan

Faulk
Fletcher

Garrett
Jordan

Mullins

— 7

Nays:

Messrs.:

Bartlett	Darden	Kelley	Riddle
Beasley	Deiony	Lapsley	Scruggs
Bonner	Farmer	McDaniel	Shepherd
Cooper	Goodwin	McDowell	Warren
Cowart	Hubbard	Powell	

—19

The motion of Mr. Warren to indefinitely postpone the bill and substitute then prevailed and same were indefinitely postponed.

The bill:

S. 92. To amend Section 8089 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 27; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hubbard	Mullins
Beasley	Delony	Jordan	Powell
Bonner	Duncan	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Cooper	Faulk	McDaniel	Tasley
Cowart	Garrett	McDowell	Wikle
Craft	Goodwin	Millsap	

—27

The bill:

H. 112. To regulate and limit the use of the public highways in the State by motor trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, courts of county commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof or certain of such provisions, and to repeal an Act entitled "An Act to prescribe the maximum size, width, length and weight, including load, limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State, and to prescribe penalties for violations of this Act," and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency.

Was taken up.

Mr. Garrett offered the following amendment to said bill to-wit:

Amend section 4 of House Bill 112 which reads "no person shall operate on any highway any motor-truck or semi-trailer truck whose gross weight, including load, shall exceed 20,000 pounds", to read, "No person shall operate on any highway any motor-truck or

semi-trailer truck whose gross weight, including load, shall exceed 24,000 Pounds."

On motion of Mr. Scruggs, said amendment was laid on the table.

Yeas, 23; nays, 7.

Yeas:

Messrs.:

Bartlett	Farmer	Lapsley	Riddle
Beasley	Fletcher	McDaniel	Scruggs
Bonner	Goodwin	McDowell	Shepherd
Brown	Hubbard	Millsap	Teasley
Duncan	Jordan	Mullins	Wikle
Edmundson	Kelley	Powell	

—23

Nays:

Messrs.:

Cooper	Darden	Faulk	Walker
Craft	Delony	Garrett	

— 7

Mr. Garrett also offered the following amendment to said bill to-wit:

Amend sub-section 10 of House Bill 112 by striking therefrom where they occur together therein the words "For a Period of Eight Months After This Act becomes Effective," and inserting in lieu thereof the words "Until October 1st, 1933."

On motion of Mr. Scruggs, said amendment was laid on the table.

Yeas, 17; nays, 13.

Yeas:

Messrs.:

Bartlett	Edmundson	Kelley	Millsap
Beasley	Fletcher	Lapsley	Mullins
Bonner	Goodwin	McDaniel	Scruggs
Brown	Jordan	McDowell	Teasley
Duncan			

—17

Nays:

Messrs.:

Cooper	Faulk	Powell	Walker
Craft	Garrett	Riddle	Warren
Darden	Hubbard	Shepherd	Wikle
Farmer			

—13

Said bill was then read a third time at length and passed.

Yeas, 31; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Jordan	Riddle
Beasley	Edmundson	Kelley	Scruggs
Bonner	Farmer	Lapsley	Shepherd
Brown	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Craft	Garrett	Millsap	Warren
Darden	Goodwin	Mullins	Wikle
Delony	Hubbard	Powell	

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MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:
By Mr. Goodwyn:

H. 481. In reference to and to further provide for the general revenue of the State of Alabama.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee as follows:

H. 481, to the Committee on Finance and Taxation.

REPORT OF THE COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Nineteenth Legislative Day, and finds same correct and containing all original entries and references thereto required by the Constitution.

Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read, and on motion of Mr. Farmer, said report was concurred in and the Journal of the Senate for the Nineteenth Legislative Day, approved by the Senate.

ADJOURNMENT

At 5:35 P. M., on motion of Mr. Mullins, and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Thursday, October 6th, 1932, at 10 A. M.

TWENTIETH DAY

Thursday, October 6th, 1932

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill presiding.

PRAYER

By Dr. T. C. Cassady of the Capitol Heights Methodist Church of Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:			
Bartlett	Darden	Goodwin	Powell
Beasley	Delony	Hubbard	Riddle
Bonner	Duncan	Jordan	Scruggs
Brown	Edmundson	Kelley	Shepherd
Caffey	Farmer	Lapsley	Teasley
Cooper	Faulk	McDaniel	Walker
Cowart	Fletcher	Millsap	Warren
Craft	Garrett	Mullins	Wikle

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JOURNAL

On motion of Mr. Scruggs, the reading of the Journal of yesterday was dispensed with and same approved.

LEAVE OF ABSENCE

On motion of Mr. Scruggs, leave of absence was granted Messrs. Hildreth and McDowell for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Bonner:

S. 211. To consolidate the enrolling department, engrossing department, and comparing department of the Senate of Alabama, and to provide the necessary clerical help for such consolidated department.

Committee on Judiciary.

By Mr. Warren:

S. 212. To amend Section 2916 of the Code of Alabama of 1923.

Committee on Printing.

By Mr. Warren:

S. 213. To amend Section 1 of an Act entitled, "An Act to amend Sections 2927 and 2929 of the 1923 Code of Alabama, (approved March 5, 1931)".

Committee on Printing.

REPORTS OF COMMITTEES

Mr. McDowell, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Bains (with substitute):

H. 1. To empower Boards of Revenue, Courts of County Commissioners, or like governing bodies, to fix the amount of Official Bonds of all County officers and all County employees who are intrusted with the handling of public funds, except those official bonds that are now fixed by law, to approve their bonds made by Individuals, Banks, or Corporations that they may consider good and solvent, and to provide for the payment of the premiums of said bonds.

By Mr. Lapsley:

S. 197. To prohibit the diversion, misappropriation, misapplication or misuse of any trust funds of the State and to provide penalties for a violation of said Act.

By Mr. Lapsley:

S. 199. To amend Section 10593 of the Code of Alabama of 1923.

By Mr. Teasley:

S. 200. To Amend Section 1907 of the Code of Alabama of 1923.

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Craft (with notice and proof):

S. 198. To authorize the State Docks Commission to pay to Mrs. Katherine T. Johnson, as widow of John Johnson, deceased, the sum of Five Thousand (\$5,000.00) Dollars out of its treasury, as compensation for the death of said John Johnson, while acting within the line of his duty as pilot while in the employment of said State Docks Commission.

By Mr. Powell:

S. 201. To provide for establishing a uniform system of accounting in the County offices in all Counties of this State where officers are charged with the duty of receiving, disbursing and ac-

counting for public funds or other funds, by requiring the State Comptroller to prepare such forms of bookkeeping and accounting records, reports and other blank forms as may be necessary for the installation of such uniform accounting system, by providing for the purchase of all necessary stationery, record books and supplies, by prescribing such system to be the official system of accounting to be used by such officers, by requiring such County Officers to maintain and keep accounts and make reports according to such system, and by making it unlawful for any such officer to fail or refuse to keep the accounts of his office or to make required reports according to the official system as is hereby established, and to prescribe penalties and punishments for violations of the provisions of this Act.

By Mr. Edgar:

H. 72. In reference to and to further provide for the general revenue of the State of Alabama.

By Mr. Green:

H. 173. To amend Section Three of an Act entitled an act in reference to and to further provide for the general revenue of the State of Alabama, approved August 22, 1923.

By Mr. Goodwyn:

H. 481. In reference to and to further provide for the general revenue of the State of Alabama.

By Mr. Miller:

H. 181. To make an appropriation of One Hundred and Fifty Thousand (\$150,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury to defray the expenses incurred by the present session of the Legislature said appropriation to be available on the passage and approval of this Act.

By Mr. Teasley (with amendment):

S. 176. To appropriate the sum of Thirty-five Hundred Dollars for the relief of **Mrs. Myrtle Downey**.

Mr. Scruggs, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Powell:

S. 209. "Conferring the right for a period of ninety days from the passage of this Act to institute suit in equity to contest wills where suit has been heretofore instituted within the time permitted before the adoption of Acts Nos. 733 and 731, approved August 1, 1931, but not within the time permitted by said Acts."

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with

a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Warren (with notice and proof):

S. 204. To fix the compensation or salary to be paid the Tax Collector of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistance and other expenses in said office of the Tax Collector of Tuscaloosa County, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter authorized to be collected by said official and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Tax Collector of Tuscaloosa County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of compensation of such Tax Collector, and to prescribe when this said Act shall go into effect.

By Mr. Warren (with notice and proof):

S. 203. To fix the compensation or salary to be paid the Judge of Probate of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide clerical assistance and other expenses in the Probate Office of Tuscaloosa County, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter collected by said official and to pay same into the County treasury; to provide for the payment of the salary or compensation of said official and the clerical assistants, and other office expenses out of said funds of the County, and to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of compensation of such officer, and to prescribe when said Act shall go into effect.

By Mr. Warren (with notice and proof):

S. 202. To fix the compensation or salary to be paid the Tax Assessor of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistance and other expenses in said office of the Tax Assessor of Tuscaloosa County, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter authorized to be collected by said official and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Tax Assessor of Tuscaloosa County and the clerks, deputies, and other clerical assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conduct and operation of

such officer made necessary by changing the method and basis of compensation of such Tax Assessor, and to prescribe when this Act shall go into effect.

By Mr. Darden (with notice and proof):

S. 210. To abolish the offices of tax collector and tax assessor of Coosa County, Alabama and to create in lieu thereof the office of tax assessor-collector for Coosa County, Alabama; to provide for the nomination and election of tax assessor-collector, to define his duties and powers, to prescribe his qualifications and to fix his salary or compensation and provide for payment thereof; to require the tax assessor-collector to execute proper and necessary bonds for the faithful discharge of his duties as now provided by law for tax collectors and tax assessors in the State of Alabama are required to execute; to require said tax assessor-collector to collect all commissions and fees now required by law for tax collectors and tax assessors to collect and to pay the same into the general funds of Coosa County, Alabama.

Mr. Wikle, Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teasley:

S. 193. To amend Section 1897 of the Code of Alabama of 1923, in relation to the borrowing of money by municipalities.

By Mr. Teasley:

S. 194. To amend the Act approved September 10th, 1927, and entitled "An Act to provide a Code of Laws authorizing and governing the issuance, sale, regulation, funding refunding, paying and retiring of bonds of the Counties and municipal corporations, and to repeal sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act."

RESOLUTIONS

Mr. Mullins offered the following Senate Resolution:

S. R. 70. Whereas, death has removed from the walks of men a distinguished citizen and eminent jurist, whose public service has extended over a period of thirty years and who, at the time of his death, was the Presiding Judge of the Fifth Judicial Circuit of Alabama;

Now, Therefore, be it resolved by the Senate of Alabama that it learns with profound sorrow of the death of the Hon. S. L.

Brewer of Opelika, Alabama, and directs that a copy of this Resolution be sent to the family of the deceased and a copy of the same spread on the Journal of the Senate.

And on motion of Mr. Mullins, the rules were suspended and the resolution was adopted.

Mr. Bonner offered the following Senate Resolution:

S. R. 71. Be it resolved by the Senate of Alabama that the Committee on Finance and Taxation is hereby respectfully requested to report Senate Bill 188 back to the Senate not later than noon of the next Legislative Day.

Which was read and referred to the Standing Committee on Rules.

Mr. Jordan offered the following Senate Resolution:

S. R. 72. Be it resolved by the Senate of Alabama that the Judiciary Committee of the Senate is hereby requested to report H. 281 back to the Senate not later than noon of the next Legislative Day.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE

Mr. Powell, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report to-wit:

S. R. 71. Requesting the Committee on Finance and Taxation to report S. 188 to the Senate not later than noon of the next Legislative Day.

Mr. Riddle moved to lay the resolution on the table, which motion was lost.

Yeas, 11; nays, 17.

Yeas:

Messrs.:

Beasley
Caffey
Craft

Delony
Garrett
Hooton

Hubbard
Lapsley
Riddle

Shepherd
Warren

—11

Nays:

Messrs.:

Bartlett
Bonner
Cooper
Coward
Darden

Duncan
Edmundson
Farmer
Faulk

Goodwin
Jordan
Millsap
Mullins

Powell
Teasley
Walker
Wikle

—17

And the resolution was then put upon its immediate passage and adopted.

ORDERS TO PRINT

On motion of Mr. Jordan, 200 copies of the bill:

S. 201. To provide for establishing a uniform system of accounting in the County offices in all Counties of this State where officers are charged with the duty of receiving, disbursing and accounting for public funds or other funds, by requiring the State Comptroller to prepare such forms of bookkeeping and accounting records, reports and other blank forms as may be necessary for the installation of such uniform accounting system, by providing for the purchase of all necessary stationery, record books and supplies, by prescribing such system to be the official system of accounting to be used by such officers, by requiring such County officers to maintain and keep accounts and make reports according to such system, and by making it unlawful for any such officer to fail or refuse to keep the accounts of his office or to make required reports according to the official system as is hereby established, and to prescribe penalties and punishments for violations of the provisions of this Act.

Were ordered printed for use of the Senate.

On motion of Mr. Powell, 250 copies of the bill:

H. 481. In reference to and to further provide for the general revenue of the State of Alabama.

Were ordered printed for use of the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate:

By Mr. Bradford:

H. 208. To amend Section 25 of an Act entitled "An Act to establish an Inferior Court of Record in all counties in this State having a population of 300,000 or more according to the last or any subsequent Federal Census and to define its jurisdiction and powers; to provide officers therefor and to fix their qualifications, powers, duties and compensation; to prescribe the practice and procedure therein and the way, manner and appeals therefrom," Approved July 20, 1931. (General Acts 1931, page 621, et seq.)

Also:

By Mr. Tate:

H. 217. To amend Section 2 of an Act entitled An Act "To further prescribe the duties of County Treasurers in Counties of more than two hundred thousand population according to the last or any subsequent preceding Federal Census; to provide for clerical assistance for such treasurers for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorney; and to require the deposit of county funds", approved October 31, 1921.

Also:

By Mr. Morrow:

H. 355. To provide for the payment of the costs of advertisement of the sales of personal and real property in newspapers, as is provided for by Sections 7824, 7825 et seq. of the Code of Alabama of 1923, in all counties of the State of Alabama having a population of 300,000, or more, according to the last or any subsequent Federal census; and to provide for the method of payment of such costs of advertisements.

Also:

By Mr. Bradford:

H. 423. To amend Section Two of an Act approved June 26th, 1931, entitled an Act to provide for and regulate the assessment, levy and collection of municipal taxes of cities which now have a population of not less than sixty-five hundred or more than fifteen thousand inhabitants according to any federal census hereafter taken; and to define the duties of the State, County and Municipal officers in regard thereto, and to fix the tax year for such cities and to make the county Tax Collector of the counties in which such cities are situated, ex-official collector of the property taxes for such cities.

Also:

By Mr. Sossaman:

H. 439. To repeal an Act of the Legislature of Alabama approved March 2nd, 1931 entitled "An Act to amend Section 1 of an Act, entitled, An Act to provide for the appointment of deputy registers, and deputy clerks for Circuit Courts in all Judicial Circuits in the State having more than two and less than five Circuit Judges; to prescribe the duties and fix the compensation and salary of such deputies, approved February 12th, 1927."

Also:

By Mr. Wallace:

H. 296. To establish a County Commission for Russell County, to provide for the appointment and election of the members thereof and prescribe their duties and powers, to provide for a Chairman of said Commission and fix his duties and powers; and fix their compensation; to divide the County of Russell into three (3) County Commission districts, and abolish the Board of Roads and Revenue, and to repeal all conflicting laws, general, local and special.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of the intention to apply for introduction and passage of a local law for Russell County, Alabama, at the next session of the Legislature of Alabama, whether said session of the Legislature, be regular,

special or extraordinary. The substance of said local law shall be substantially as follows, to-wit:

A BILL TO BE ENTITLED AN ACT

To establish a County Commission for Russell County, to provide for the appointment and election of the members thereof and prescribe their duties and powers, to provide for a Chairman of said Commission and fix his duties and powers; to fix their compensation; to divide the County of Russell into three (3) County Commission districts, and abolish the Board of Roads and Revenue, and to repeal all conflicting laws, general, local and special.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby established a County Commission of Russell County, Alabama, consisting of three (3) members, to be known as and called "The County Commission of Russell County."

Section 2. That the County of Russell be, and the same is hereby divided into three (3) County Commission Districts to be numbered first, second and third. That the first County Commission District of Russell County shall be composed of that part of Russell County embraced within the beats or precincts as now existing and numbered as follows, Precincts or Beats numbered one, eight and nine. That the second County Commission District of Russell County shall be composed of that part of said County embraced within the beats or precincts as now existing and numbered as follows, Precincts or Beats numbered two, seven and ten. That the third County Commission District of Russell County shall be composed of that part of said County embraced within the precincts or beats as now existing and numbered as follows, Precincts or Beats numbered three, four, five and six.

Section 3. On approval of this act by the Governor, the House of Representatives of Alabama shall forthwith select and appoint one member of said County Commission of Russell County from each of the said three (3) districts provided for in Section 2 of this Act, each of said three (3) members so selected and appointed shall be a resident of his respective district, who shall together constitute the members of the County Commission of Russell County hereby created and established. The members of said County Commission so selected and appointed shall hold office until the first Monday after the second Tuesday in January, 1937, and until their successors are elected and qualified, and at the general election next preceding the expiration of the terms of office of the members of said County Commission there shall be elected by the qualified electors of the entire County a member from each of the said districts, who shall be a resident of said district, and who shall hold office for a period of four (4) years and until his successor is likewise elected and qualified.

Section 4. That at the first meeting of said County Commission held after their appointment, the said County Commission shall choose from its members a Chairman of said County Commission of Russell County; who shall hold office until his term as such member of said County Commission expires.

Section 5. Should any vacancy occur upon the said County Commission, such vacancy shall be filled by appointment by the Governor for the unexpired term, and the appointee shall be a resident of the District which he is appointed to represent, on said County Commission.

Section 6. Regular terms of the said County Commission shall be held on the second Mondays in February, April, August and November of each year and as provided by law, and such special and adjourned terms as the said County Commission or a majority thereof may deem necessary and proper. Notices of all special meetings shall be given by the Chairman of the County Commission in writing or by publication in some newspaper published in Russell County for five (5) days prior to such meeting. If given in writing

by the Chairman, the same shall be served on each member then within the county, five (5) days before said meeting.

Section 7. That the said County Commission shall have all of the jurisdiction and all powers which are now or may hereafter by law, be vested in the courts of county commissioners of this State, or board of revenue or other governing body of like kind, and the several members of the said County Commission of Russell County shall respectively perform all the duties and services and render all the powers which are or may be required by law of the members of the courts of county commissioners, or boards of revenue or other governing bodies of like kind. That all general laws hereafter enacted by the Legislature of Alabama in relation to the jurisdiction, powers, authorities or duties of county commissioners in this State not in conflict with the provisions of this Act, shall apply to the said County Commission of Russell County, except so much of the said general laws as may relate to the mode of selection of said court of county commissioners, provided that this Act shall not be construed to impair the jurisdiction and authority of the said County Commission.

Section 8. That the Chairman of the said County Commission shall sign all the minutes of the proceedings of the said Commissioners and shall sign all warrants drawn upon the county treasury or repository all orders for payment or disbursement of the money or funds of the County. It shall be the duty of the said Chairman of such County Commission in said county to collect and receipt for all road tax and perform all other duties in connection therewith as are now required by law of other officials. It shall be the duty of the said Chairman of the said County Commission to receive and prepare the business and obtain information for the sessions of the said County Commission and to see to the execution of all orders of the said County Commission. The Chairman of the said County Commission shall issue all notices required to be given by the said County Commission and by law, and generally to do and perform all such duties and matters as may be required of him by said County Commission.

Section 9. The Chairman, and every member of "The County Commission" shall receive for their services Four (\$4.00) dollars per diem and five (.05) cents per mile travel when actually engaged in the performance of the duties of their office, and five cents per mile for each mile travel in going to and from the courthouse and their places or residence payable out of the county treasury.

Section 10. That the said County Commission shall hold its sessions or meetings at the County seat on the second Mondays in February and August and at the branch courthouse in said county, if there be one, on the second Mondays in April and November of each year.

Section 11. That within seven days from the appointment of said members of said County Commission as hereinbefore provided, said members so appointed shall meet and organize said County Commission. And the said County Commission shall transact such business as is proper and necessary at such meetings.

Section 12. The Board of Roads and Revenue of Russell County which is herein and hereby abolished, shall deliver to the said County Commission of Russell County at its first meeting as provided for in Section 11 hereof, all books, records, accounts, funds and in fact all belongings of every kind and character held by them as officials for the County of Russell, or for the use of said County.

Section 13. That the said County Commission shall appoint a clerk of the County Commission whose duties shall be to keep the minutes of the meetings and make a record of the same, to keep a record of all claims filed against the County and all claims ordered paid by the said County Commission, keeping such minutes and proceedings in well bound volumes provided for that purpose, and to generally do and perform all acts and services in and about the duties of and proceedings of said County Commission as he, or she, may be

directed to do by said County Commission or by law. For said services said clerk so appointed shall receive such sum as shall be termed reasonable and ordered by the said County Commission, to be paid out of the funds of the county. Said clerk so appointed shall hold office for one year and until his or her successor is appointed and qualified.

Section 14. All books, office equipment, furniture and fixtures and supplies, required to be furnished by the County to the different officers of the County shall be purchased by this County Commission, and each officer of the County in need of any of the above items or other supplies required by Law in the operation of their office shall make requisition for the same in writing to this County Commission. And no officer shall contract for the purchase of supplies and charge them to the County except as herein above provided for.

Section 15. That the Board of Roads and Revenue of Russell County be and the same is hereby abolished.

Section 16. This act shall become effective immediately upon its approval by the Governor, or upon its becoming a law.

Section 17. That all laws and parts of laws, general, local and special, in conflict with the provisions of this Act be and the same are hereby expressly repealed.

State of Alabama, }
Russell County. }

Before me, Isaac I. Moses, a Notary Public in and for said State and County, personally appeared I. A. Moses who being by me first duly sworn, deposes and says that she is the editor and publisher of the Phenix-Girard Journal, a newspaper of general circulation published in Girard, Russell County, Alabama; that the notice which is attached hereto was published in the said Phenix-Girard Journal giving notice of the intention to apply for the enactment of a bill to be entitled "An Act to establish a County Commission for Russell County, to provide for the appointment and election of the members thereof and prescribe their duties and powers, to provide for a Chairman of said Commission and fix his duties and powers; and fix their compensation; to divide the County of Russell into three (3) County Commission districts, and abolish the Board of Roads and Revenue, and to repeal all conflicting laws, general, local and special;" that this notice was published for four consecutive weeks in the said Phenix-Girard Journal in its issues of August 12, 1932, August 19, 1932, August 26, 1932 and September 2, 1932; and that the said notice was published without cost to the State of Alabama.

This the 3rd day of Sept., 1932.

I. A. MOSES,
Publisher & Editor Phenix-Girard Journal.

Sworn to and subscribed before me on this the 3rd day of Sept., 1932.

ISAAC I. MOSES,
Notary Public.

(Seal)

Also:

By Mr. Bradford of Jefferson:

H. 314. For the relief of Sam Francis Brennan.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF A PROPOSED LOCAL ACT

To Whom It May Concern:

Take notice that there will be introduced in the Legislature of Alabama at the special session beginning August 16th, 1932, a Bill in words and figures as follows, which Bill, the Legislature will be requested to pass:

A BILL TO BE ENTITLED AN ACT

For the Relief of Sam Francis Brennan.

Be It Enacted by the Legislature of Alabama:

1st. That the County Commission of Jefferson County, Alabama, is hereby authorized and directed to draw or cause to be drawn, a warrant on the Treasurer of Jefferson County, in favor of Sam Francis Brennan, for the sum of \$1,500.00 covering the actual loss and expense sustained by the said Sam Francis Brennan as a direct and proximate result of the negligence of an agent, servant or employee of Jefferson County, Alabama, while acting within the line and scope of his authority as such in negligently driving a motor vehicle which was owned by Jefferson County, into, upon or against the person of the said Sam Francis Brennan. Said sum of \$1,500.00 being the amount of the actual loss sustained by reason of doctor's bills, and loss of time from work. And the treasurer of Jefferson County is hereby directed to pay such warrant out of such funds not otherwise appropriated.

2nd. This act shall take effect immediately upon approval of the Governor.

State of Alabama, }
Jefferson County. }

Personally appeared before me, a notary public, in and for said State and County, Mary E. Wheeler who, after being duly cautioned and sworn, deposeth and says as follows: That she is the publisher of The Birmingham Messenger, a weekly newspaper, published in the State of Alabama, County of Jefferson, City of Birmingham, and that a legal notice was published for Four (4) consecutive weeks in the above-named paper, copy of which advertisement is hereto attached.

MARY E. WHEELER.

This the 27th day of August, 1932.

ROBERT J. WHEELER,
Notary Public.

(Seal)

Also:

By Mr. Bradford of Jefferson:

H. 359. For the relief of J. W. Faulk.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF A PROPOSED LOCAL ACT.

To Whom It May Concern:

Take notice that there will be introduced in the Legislature of Alabama at the Special Session beginning August 16th, 1932, a Bill in words and figures as follows, which Bill, the Legislature will be requested to Pass:

A BILL,

To Be Entitled An Act for the relief of J. W. Faulk.

Be it enacted by the Legislature of Alabama:

First, That the County Commission of Jefferson County, Alabama, is hereby authorized and directed to draw or cause to be drawn, a warrant on the treasurer of Jefferson County, Alabama, in favor of J. W. Faulk for the sum of thirty-five hundred dollars, (\$3,500.00), covering the actual loss and expense sustained by the said J. W. Faulk as a direct and proximate result of an injury received on to-wit, April 1st, 1927, while cranking a Ford car, while on duty in the employment of Jefferson County, Alabama, as a deputy sheriff. The right arm of the said J. W. Faulk received a permanent injury at said time, said sum of thirty-five hundred dollars, (\$3,500.00), being the

amount of the actual loss sustained by reason of doctor's bills and loss of time from work and permanent injury. And the Treasurer of Jefferson County is hereby directed to pay such warrant out of such funds not otherwise appropriated.

Second, This act shall take effect immediately upon approval of the Governor.

State of Alabama, }
County of Jefferson. }

Personally appeared before me, a notary public, in and for said State and County,

MARY E. WHEELER

who, after being duly cautioned and sworn, deposeeth and says as follows:
That she is the

PUBLISHER

of The Birmingham Messenger, a weekly newspaper, published in the State of Alabama, County of Jefferson, City of Birmingham, and that a legal notice was published for Four (4) consecutive weeks in the above-named paper, copy of which advertisement is hereto attached.

MARY E. WHEELER.

This the 27th day of August, 1932.

ROBERT J. WHEELER,
Notary Public.

(Seal)

Also:

By Mr. Morrow:

H. 360. To fix the compensation or salary of the Treasurer of Jefferson County, Alabama, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the special session of the Legislature of Alabama called to be held at Montgomery, Ala., commencing on Aug. 16, 1932, a bill in substance as follows will be introduced and its passage applied for, namely: A bill to be entitled

AN ACT

To fix the compensation or salary of the Treasurer of Jefferson County, Alabama, and to regulate the payment thereof:

Be it enacted by the Legislature of Alabama:

Section 1. That the Treasurer of Jefferson County, Alabama, shall receive a salary of Four Thousand (\$4,000.00) Dollars per annum, which said salary shall be paid out of the county treasury in equal monthly installments, and shall be in lieu of all other compensation, fees or emoluments.

Section 2. That all laws and parts of laws, general, local or special, in conflict with this act be and the same are hereby repealed.

Section 3. That this act shall go into effect upon its approval.

State of Alabama, }
County of Jefferson. } ss:

On this 3 day of Sept., A.D., 1932, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State aforesaid, J. H. Capps, who being duly sworn according to law, declares that he is

Book Keeper of The Birmingham Age-Herald, a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates:

Aug. 13, 20, 27, Sept. 3, 1932.

Signed: J. H. CAPPS.

Subscribed and sworn to before me this day 3 of Sept., A. D., 1932.

W. O. OLIVER,
Notary Public.

(Seal)

Also:

By Mr. Morrow:

H. 361. To fix the compensation or salary of the Probate Judge of Jefferson County, Alabama, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the special session of the Legislature of Alabama called to be held at Montgomery, Ala., commencing on Aug. 16, 1932, a bill in substance as follows will be introduced and its passage applied for, namely: A bill to be entitled

AN ACT

To fix the compensation or salary of the Probate Judge of Jefferson County, Alabama, and to regulate the payment thereof.

Be it enacted by the Legislature of Alabama:

Section 1. That the Probate Judge of Jefferson County, Alabama, shall receive a salary of Six Thousand (\$6,000.00) Dollars per annum, which said salary shall be paid out of the county treasury in equal monthly installments, and shall be in lieu of all other compensation, fees or emoluments.

Section 2. That all laws and parts of laws, general, local or special, in conflict with this act be and the same are hereby repealed.

Section 3. That this act shall go into effect upon its approval.

State of Alabama, }
County of Jefferson. } ss:

On this 3 day of Sept., A.D., 1932, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State aforesaid, J. H. Capps, who being duly sworn according to law, declares that he is Book Keeper of The Birmingham Age-Herald, a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates:

Aug. 13, 20, 27, Sept. 3, 1932.

Signed: J. H. CAPPS.

Subscribed and sworn to before me this day 3 of Sept., A. D., 1932.

W. O. OLIVER,
Notary Public.

(Seal)

Also:

By Mr. Morrow:

H. 362. To fix the compensation or salary of the Tax Assessor of Jefferson County, Alabama, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the special session of the Legislature of Alabama called to be held at Montgomery, Ala., commencing on Aug. 16, 1932, a bill in substance as follows will be introduced and its passage applied for, namely: A bill to be entitled

AN ACT

To fix the compensation or salary of the Tax Assessor of Jefferson County, Alabama, and to regulate the payment thereof.

Be it enacted by the Legislature of Alabama:

Section 1. That the Tax Assessor of Jefferson County, Alabama, shall receive a salary of Four Thousand Eight Hundred (\$4,800.00) Dollars per annum, which said salary shall be paid out of the county treasury in equal monthly installments, and shall be in lieu of all other compensation, fees or emoluments.

Section 2. That all laws and parts of laws, general, local or special, in conflict with this act be and the same are hereby repealed.

Section 3. That this act shall go into effect upon its approval.

State of Alabama, }
County of Jefferson. } ss:

On this 3 day of Sept., A.D., 1932, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State aforesaid, J. H. Capps, who being duly sworn according to law, declares that he is Book Keeper of The Birmingham Age-Herald, a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates:

Aug. 13, 20, 27, Sept. 3, 1932.

Signed: J. H. CAPPS.

Subscribed and sworn to before me this day 3 of Sept., A. D., 1932.

W. O. OLIVER.

Notary Public.

(Seal)

Also:

By Mr. Morrow:

H. 363. To fix the compensation or salary of the Commissioner of Licenses of Jefferson County, Alabama, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the special session of the Legislature of Alabama called to be held at Montgomery, Ala., commencing on Aug. 16, 1932, a bill in substance as follows will be introduced and its passage applied for, namely: A bill to be entitled

AN ACT

To fix the compensation or salary of the Commissioner of Licenses of Jefferson County, Alabama, and to regulate the payment thereof.

Be it enacted by the Legislature of Alabama:

Section 1. That the Commissioner of Licenses of Jefferson County, Alabama, shall receive a salary of Three Thousand Six Hundred (\$3,600.00) Dollars per annum, which said salary shall be paid out of the county treasury in equal monthly installments, and shall be in lieu of all other compensation, fees or emoluments.

Section 2. That all laws and parts of laws, general, local or special, in conflict with this act be and the same are hereby repealed.

Section 3. That this act shall go into effect upon its approval.

State of Alabama, }
County of Jefferson. } ss:

On this 3 day of Sept., A.D., 1932, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State aforesaid, J. H. Capps, who being duly sworn according to law, declares that he is Book Keeper of The Birmingham Age-Herald, a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates:

Aug. 13, 20, 27, Sept. 3, 1932.

Signed: J. H. CAPPS.

Subscribed and sworn to before me this day 3 of Sept., A. D., 1932.

W. O. OLIVER,
Notary Public.

(Seal)

Also:

By Mr. Tate:

H. 364. To fix the compensation or salary of the Sheriff of Jefferson County, Alabama, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the special session of the Legislature of Alabama called to be held at Montgomery, Ala., commencing on Aug. 16, 1932, a bill in substance as follows will be introduced and its passage applied for, namely: A bill to be entitled

AN ACT

To fix the compensation or salary of the Sheriff of Jefferson County, Alabama, and to regulate the payment thereof.

Be it enacted by the Legislature of Alabama:

Section 1. That the Sheriff of Jefferson County, Alabama, shall receive a salary of Six Thousand (\$6,000.00) Dollars per annum, which said salary shall be paid out of the county treasury in equal monthly installments, and shall be in lieu of all other compensation, fees or emoluments.

Section 2. That all laws and parts of laws, general, local or special, in conflict with this act be and the same are hereby repealed.

Section 3. That this act shall go into effect upon its approval.

State of Alabama, }
County of Jefferson. } ss:

On this 3 day of Sept., A.D., 1932, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State aforesaid, J. H. Capps, who being duly sworn according to law, declares that he is Book Keeper of The Birmingham Age-Herald, a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that

the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates:

Aug. 13, 20, 27, Sept. 3, 1932.

Signed: J. H. CAPPS.

Subscribed and sworn to before me this day 3 of Sept., A. D., 1932.

W. O. OLIVER,
Notary Public.

(Seal)

Also:

By Mr. Tate:

H. 365. To regulate the payment of witness fees in criminal cases in Jefferson County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the special session of the Legislature of Alabama called to be held at Montgomery, Ala., commencing on Aug. 16, 1932, a bill in substance as follows will be introduced and its passage applied for, namely: A bill to be entitled

AN ACT

To regulate the payment of witness fees in criminal cases in Jefferson County, Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That on and after the approval of this act the clerk of the court wherein a conviction is had, in Jefferson County, and the defendant pays his costs in money or is sentenced to hard labor for the county and performs hard labor in payment of his costs, shall enter the state's witness fees for the state's witnesses on the docket, and in all cases where the defendant has been sentenced for the costs and completes his sentence (and charge) or pays his costs in money, the County Commission, at its next regular meeting held after such prisoner completes his sentence, shall draw its warrants on the county treasurer in favor of the clerk of the court where the conviction was had for the sum total of the witness fees of all state witnesses in such cases, and the clerk of such court shall forthwith pay such witness fees to the person lawfully entitled thereto and take his receipt on the docket for same where the case is docketed.

Section 2. That all laws and parts of laws, general, local or special, in conflict herewith, be and the same are hereby repealed.

Section 3. This act shall take effect upon its approval.

State of Alabama, }
County of Jefferson. } ss:

On this 3 day of Sept., A.D., 1932, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State aforesaid, J. H. Capps, who being duly sworn according to law, declares that he is Book Keeper of The Birmingham Age-Herald, a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates:

Aug. 13, 20, 27, Sept. 3, 1932.

Signed: J. H. CAPPS.

Subscribed and sworn to before me this day 3 of Sept., A. D., 1932.

W. O. OLIVER,
Notary Public.

(Seal)

Also:

By Mr. West.

H. 368. To fix the compensation or salary of the Register of the Circuit Court of the Tenth Judicial Circuit of Alabama, in Equity, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the special session of the Legislature of Alabama called to be held at Montgomery, Ala., commencing on Aug. 16, 1932, a bill in substance as follows will be introduced and its passage applied for, namely: A bill to be entitled

AN ACT

To fix the compensation or salary of the Register of the Circuit Court of the Tenth Judicial Circuit of Alabama, in Equity, and to regulate the payment thereof.

Be it enacted by the Legislature of Alabama:

Section 1. That the Register of the Circuit Court of the Tenth Judicial Circuit of Alabama, in Equity, shall receive a salary of Three Thousand Six Hundred (\$3,600.00) Dollars per annum, which said salary shall be paid out of the county treasury in equal monthly installments, and shall be in lieu of all other compensation, fees or emoluments.

Section 2. That all laws and parts of laws, general, local or special, in conflict with this act be and the same are hereby repealed.

Section 3. That this act shall go into effect upon its approval.

State of Alabama, }
County of Jefferson. } ss:

On this 3 day of Sept., A.D., 1932, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State aforesaid, J. H. Capps, who being duly sworn according to law, declares that he is Book Keeper of The Birmingham Age-Herald, a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates:

Aug. 13, 20, 27, Sept. 3, 1932.

Signed: J. H. CAPPS.

Subscribed and sworn to before me this day 3 of Sept., A. D., 1932.

W. O. OLIVER,

Notary Public.

(Seal)

Also:

By Mr. Tate:

H. 369. To fix the compensation or salary of the Circuit Clerk of Jefferson County, Alabama, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the special session of the Legislature of Alabama called to be held at Montgomery, Ala., commencing on Aug. 16, 1932, a bill in substance as follows will be introduced and its passage applied for, namely: A bill to be entitled

AN ACT

To fix the compensation or salary of the Circuit Clerk of Jefferson County, Alabama, and to regulate the payment thereof.

Be it enacted by the Legislature of Alabama:

Section 1. That the Circuit Clerk of Jefferson County, Alabama, shall receive a salary of Four Thousand Eight Hundred (\$4,800.00) Dollars per annum, which said salary shall be paid out of the county treasury in equal monthly installments, and shall be in lieu of all other compensation, fees or emoluments.

Section 2. That all laws and parts of laws, general, local or special, in conflict with this act be and the same are hereby repealed.

Section 3. That this act shall go into effect upon its approval.

State of Alabama, }
County of Jefferson. } ss:

On this 3 day of Sept., A.D., 1932, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State aforesaid, J. H. Capps, who being duly sworn according to law, declares that he is Book Keeper of The Birmingham Age-Herald, a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates:

Aug. 13, 20, 27, Sept. 3, 1932.

Signed: J. H. CAPPS.

Subscribed and sworn to before me this day 3 of Sept., A. D., 1932.

W. O. OLIVER,
Notary Public.

(Seal)

Also:

By Mr. Bradford of Jefferson:

H. 370. To fix the compensation or salary of the Tax Collector of Jefferson County, Alabama, and to regulate the payment thereof.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the special session of the Legislature of Alabama called to be held at Montgomery, Ala., commencing on Aug. 16, 1932, a bill in substance as follows will be introduced and its passage applied for, namely: A bill to be entitled

AN ACT

To fix the compensation or salary of the Tax Collector of Jefferson County, Alabama, and to regulate the payment thereof.

Be it enacted by the Legislature of Alabama:

Section 1. That the Tax Collector of Jefferson County, Alabama, shall receive a salary of Four Thousand Eight Hundred (\$4,800.00) Dollars per annum, which said salary shall be paid out of the county treasury in equal monthly installments, and shall be in lieu of all other compensation, fees or emoluments.

Section 2. That all laws and parts of laws, general, local or special, in conflict with this act be and the same are hereby repealed.

Section 3. That this act shall go into effect upon its approval.

State of Alabama, }
County of Jefferson. } ss:

On this 3 day of Sept., A.D., 1932, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State aforesaid, J. H. Capps, who being duly sworn according to law, declares that he is Book Keeper of The Birmingham Age-Herald, a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates:

Aug. 13, 20, 27, Sept. 3, 1932.

Signed: J. H. CAPPS.

Subscribed and sworn to before me this day 3 of Sept., A. D., 1932.

W. O. OLIVER,
Notary Public.

(Seal)

Also:

By Mr. Bradford of Jefferson:

H. 372. To require all county officers in Jefferson County, Alabama, to pay into the county treasury all fees, costs, commissions and charges of court, derived from said offices, or moneys charged or collected by them by reason of any official act or for the performance of any service connected directly or indirectly with said offices, or for the sale of any information or copies of any documents, papers, maps or records, relating directly or indirectly to said offices, and to prescribe that the salaries fixed by law shall be the sole and only compensation received by such officers for the performance of the duties of their offices or any act or service charged for by them growing out of the performance of their official duties.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the special session of the Legislature of Alabama called to be held at Montgomery, Ala., commencing on Aug. 16, 1932, a bill in substance as follows will be introduced and its passage applied for, namely: A bill to be entitled

AN ACT

To require all county officers in Jefferson County, Alabama, to pay into the county treasury all fees, costs, commissions and charges of court, derived from said offices, or moneys charged or collected by them by reason of any official act or for the performance of any service connected directly or indirectly with said offices, or for the sale of any information or copies of any documents, papers, maps or records, relating directly or indirectly to said offices, and to prescribe that the salaries fixed by law shall be the sole and only compensation received by such officers for the performance of the duties of their offices or any act or service charged for by them growing out of the performance of their official duties.

Be it enacted by the Legislature of Alabama:

Section 1. That all county officers in Jefferson County, Alabama, shall pay into the county treasury all fees, costs, commissions and charges of court derived from said offices, or moneys collected by them by reason of any official act or for the performance of any service connected directly or indirectly

with said offices, or for the sale of any information or copies of any documents, papers, maps or records, relating directly or indirectly to said offices.

Section 2. That the salaries fixed by law for said officers shall be the sole and only compensation received by such officers for the performance of the duties of their offices or for any act or service charged for by them growing out of the performance of their official duties or connected with the operation or conduct of their respective offices.

Section 3. That all laws and parts of laws, general, local or special, in conflict with this act, be and the same are hereby repealed.

Section 4. That this act shall take effect upon its approval.

State of Alabama, }
County of Jefferson. } ss:

On this 3 day of Sept., A.D., 1932, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State aforesaid, J. H. Capps, who being duly sworn according to law, declares that he is Book Keeper of The Birmingham Age-Herald, a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates:

Aug. 13, 20, 27, Sept. 3, 1932.

Signed: J. H. CAPPS.

Subscribed and sworn to before me this day 3 of Sept., A. D., 1932.

W. O. OLIVER,
Notary Public.

(Seal)

Also:

By Mr. Manasco:

H. 388. To amend House Bill 841 found on page 295 of the local acts of 1923, and approved by the Governor, September 27, 1923, the substance of said bill to be amended is as follows: To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Walker County, Alabama; to define the duties and powers of the Court of County Commissioners, with regard to the same, and to fix penalties for the violations thereof and to provide for the payment of a per capita tax in lieu of road duty; to provide for the payment of a license or privilege tax on gasoline and to provide for the collection thereof. This bill is to be amended by repealing Sections 17, 18, 19, 20, and 21. Said sections hereby repealed empowered the Court of County Commissioners to provide machinery for the collection of a two cents tax on gasoline, kerosene, and other motor fuels, and Section 17 of said Act levied a local tax of two cents on gasoline, kerosene and other motor fuels. And to provide the time said act shall go into effect.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL LEGISLATION

Please take notice that by and under Section 106 of the Constitution of Alabama, 1901, notice is hereby given that a bill is to be introduced in the extraordinary session of the Legislature of Alabama, which has been called

by the Governor to convene on August 16, 1932. The bill above referred to will be in substance as follows:

To amend House Bill 841 found on page 295 of the local acts of 1923, and approved by the Governor, September 27, 1923, the substance of said bill was; To provide for the establishment, discontinuance, construction, use, working and maintenance of the public roads, bridges and ferries of Walker County, Alabama; to define the duties and powers of the Court of County Commissioners, with the regard to same, and to fix penalties for the violations thereof and to provide for the payment of a per capita tax in lieu of road duty; to provide for the payment of a license or privilege tax on gasoline and to provide for the collection thereof and penalties for violation thereof.

The bill to be introduced in the present extraordinary session of the Legislature purports to amend the bill above referred to and passed in 1923, by repealing Sections 17, 18, 19, 20, and 21. Said sections of the Act empower the Court of County Commissioners to provide machinery for the collection of a two cents tax on gasoline, kerosene, and other motor fuels, and Section 17 of said Act levies a local tax of two cents on gasoline, kerosene and other motor fuels.

CARTER MANASCO,
Representative from Walker County.

The State of Alabama, }
Walker County. }

Before me, the undersigned authority in and for said State and County, this day personally appeared R. W. Boteler, Asst. Mgr. of The Mountain Eagle, a newspaper published at Jasper, Walker County, Alabama, who, being duly sworn, says that the Legal Notice, copy of which is hereto attached, was published in the said Mountain Eagle once a week for 4 consecutive weeks namely Aug. 17, 24, 31 & Sept. 7, 1932.

R. W. BOTELER,
Assistant Manager.

Sworn and subscribed before me, this 9 day of Sept., 1932.

MRS. ANNIE DAVIS,
Notary Public.

(Seal)

Also:

By Mr. Manasco:

H. 389. To provide that there be established and maintained by Walker County, Alabama, a witness fund out of which the costs and fees due parties appearing as state witnesses in the county court, circuit court and before the grand jury of Walker County in criminal cases shall be paid; to provide that one-half of all monies collected in criminal cases from fine and forfeitures in Walker County where in the State of Alabama is plaintiff, be paid into said fund; to provide that all sums of money collected as witness fees for the per diem and mileage to and from court due witnesses appearing for the State in said County be paid into said witness fund; to provide that on the first Monday in January of each year that there be paid from the general fund of Walker County into said witness fund, a sum not to exceed \$5,000.00; to provide for what purposes said witness fund is to be used; to provide that the costs and fees of all State witnesses who are entitled to their per diem and mileage for their attendance

in criminal cases in the County Court, Circuit Court, and attendance before the Grand Juries of Walker County, Alabama be paid out of said witness fund; to provide how and by whom witness claims are to be authenticated, and how and by whom they are to be paid, and; to provide for the disposition of any surplus in excess of \$1,000.00 that may exist at the end of the calendar year.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF SPECIAL LEGISLATION

A notice is hereby given at the Special Session of the Legislature of Alabama which has been called to convene on August 16th, 1932, a bill will be introduced providing in substance as follows:

1. That there be established and maintained by Walker County, Alabama, a witness fund out of which the costs and fees due parties appearing as state witnesses in the county court, circuit court and before the grand jury of Walker County in criminal cases shall be paid.

2. That one-half of all monies collected in criminal cases from fines and forfeitures in Walker County wherein the State of Alabama is plaintiff, be paid into said fund.

3. That all sums of money collected as witness fees for the per diem and mileage to and from court due witnesses appearing for the State in said County be paid into said witness fund.

4. That on the first Monday in January of each year that there be paid from the general fund of Walker County into said witness fund, a sum not to exceed \$5,000.00.

5. That said sums mentioned in sections 2, 3 and 4 when collected shall be used for the payment of the per diem and mileage of State witnesses appearing in criminal cases in the County Court, Circuit Court and before the Grand Juries of Walker County and shall be used for no other purpose than that of payment of witness fees as aforesaid.

6. That the costs and fees of all State witnesses who are entitled to their per diem and mileage for their attendance at court in the trial of criminal cases in the County Court, Circuit Court and attendance before Grand Juries of Walker County, Alabama, be paid out of said witness fund.

7. That when the said State witness claims are properly authenticated by Circuit Clerk of Walker County, Alabama, they shall be paid in cash by the County Treasurer out of said witness fund upon presentation by the holder thereof.

8. If at the end of any calendar year there exists in said witness fund an amount more than one thousand dollars it is mandatory that such surplus in excess of one thousand dollars (\$1,000.00) be paid or transferred into the general fund of Walker County, Alabama, out of said witness fund.

CARTER MANASCO,
Representative.

The State of Alabama, }
Walker County. }

Before me, the undersigned authority in and for said State and County, this day personally appeared R. W. Boteler, Assistant Manager of The Mountain Eagle, a newspaper published at Jasper, Walker County, Alabama, who, being duly sworn, says that the Legal Notice, copy of which is hereto attached, was published in the said Mountain Eagle once a week for 4 consecutive weeks namely Aug. 17, 24, 31 & Sept. 7, 1932.

R. W. BOTELER,
Assistant Manager.

Sworn and subscribed before me, this 9 day of Sept., 1932.

MRS. ANNIE DAVIS,
Notary Public.

(Seal)

Also:

By Mr. Shepherd:

H. 418. To repeal an Act entitled an Act "To provide for the payment of an expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense shall be paid out of the County treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxation of the counties in such circuit" said act having been approved on the 12th. day of September, 1923.

With notices and proofs thereto attached and herewith exhibited as follows:

NOTICE

As is required by the Constitution and laws of the State of Alabama, notice is hereby given that a bill in substance as follows will be introduced and offered for passage at the Special or Extraordinary Session of the Legislature, said session being the first session after the regular 1931 session of said Legislature:

AN ACT: To repeal an act entitled an Act "To provide for the payment of an expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense shall be paid out of the County treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxation of the counties in such circuit," said Act having been approved on the 12th day of September, 1923.

J. CARL SHEPHERD,
CARTER MANASCO,
Representatives Walker County.
COLEMAN D. SHEPHERD,
Senator 12th Senatorial District.

The State of Alabama, }
Walker County. }

Before me, the undersigned authority in and for said State and County, this day personally appeared Irving A. Dove, Publisher of The Jasper Advertiser, a newspaper published at Jasper, Walker County, Alabama, who, being duly sworn, says that the Legal Notice, copy of which is hereto attached was published in the said Jasper Advertiser once a week for 4 consecutive weeks namely August 10, 17, 24 and 31.

IRVING A. DOVE,
Publisher.

Sworn and subscribed to before me, this 5 day of September, 1932.

M. D. McPOLAND,
Notary Public.

NOTICE

As is required by the Constitution and Laws of the State of Alabama notice is hereby given that a bill in substance as follows will be introduced and offered for passage at the Special or Extraordinary session of the Legis-

lature of Alabama, said session being the first session after the regular 1931 session of said Legislature.

AN ACT:

To repeal an Act entitled an Act "To provide for the payment of an expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense shall be paid out of the county Treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit," said act having been approved on the 12th. day of September, 1923.

(Signed) J. CARL SHEPHERD,

(Signed) CARTER MANASCO,

Representatives Walker County.

(Signed) COLEMAN D. SHEPHERD,
Senator 12th. Senatorial District.

AFFIDAVIT OF PUBLICATION

State of Alabama, }
Lamar County. }

Personally appeared before me, a Notary Public in and for said State and County, Lee Barnes who after being duly cautioned and sworn, deposeth and says as follows. That he is the publisher of the Lamar Democrat, a weekly newspaper, published in the State of Alabama, County of Lamar, Town of Vernon, and that a legal notice was published for 4 (four) consecutive weeks in the above named paper, Aug. 3, 10, 17, 24, copy of which advertisement is hereto attached.

LEE BARNES.

Sworn to and subscribed before me, this 27 day of Aug., 1932.

NONA McNEES,
Notary Public.

(Seal)

NOTICE

As is required by the Constitution and Laws of the State of Alabama, notice is hereby given that a bill in substance as follows will be introduced and offered for passage at the Special or Extraordinary session of the Legislature of Alabama, said session being the first session after the regular 1931 session of said Legislature.

AN ACT:

To repeal an act entitled An Act "To provide for the payment of an expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense shall be paid out of the county treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit," said Act having been approved on the 12th day of September, 1923.

(Signed) J. CARL SHEPHERD,

CARTER MANASCO,

Representatives Walker County, Ala.

(Signed) COLEMAN D. SHEPHERD,
Senator 12th Senatorial District.

State of Alabama, }
Marion County. }

Before me, Roy Sanderson, Clerk of the Circuit Court in and for said County, in State aforesaid, personally appeared F. B. McKenzie, who, being duly sworn, doth depose and say that he is publisher of The Marion County

News, a weekly newspaper published in the Town of Hamilton, State and County aforesaid, and that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for 4 consecutive weeks prior to the 5th day of Sept., 1932, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit:

No. 33 the 11 day of Aug., 1932; No. 34 the 18 day of Aug., 1932; No. 35 the 25 day of Aug., 1932; No. 36 the 1st day of Sept., 1932.

And that there was no agreement between publisher and officer, and that the actual and lowest cost of said advertisement is \$7.20; and said notice was published without cost to the State.

F. B. McKENZIE,
Publisher.

Sworn to and subscribed before me, this 5th day of September, 1932.

ROY SANDERSON,
Clerk of the Circuit Court.

(Seal)

BILL TO BE INTRODUCED IN SPECIAL LEGISLATURE

Notice

As is required by the Constitution and Laws of the State of Alabama, notice is hereby given that a bill in substance as follows will be introduced and offered for passage at the Special or Extraordinary session of the Legislature of Alabama, said session being the first session after the regular 1931 session of said Legislature:

AN ACT:

To repeal an act entitled An Act "To provide for the payment of the expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense shall be paid out of the county treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed valuation of the counties in such circuit," said Act having been approved on the 12th day of September, 1923.

(Signed) J. CARL SHEPHERD,
CARTER MANASCO,

Representatives Walker County, Ala.

(Signed) COLEMAN D. SHEPHERD,
Senator 12th Senatorial District.

The State of Alabama, }
Winston County. }

Before me, J. A. Posey, a Notary Public in and for said County and State, personally appeared E. P. Lakeman, who being first duly sworn deposes and says as follows:

I am Editor of a weekly newspaper, The Haleyville Advertiser-Journal, published in Haleyville, Winston County, Alabama. The hereto attached notice of intention to introduce a bill was published in said paper for four consecutive weeks beginning on the 11th. day of August and ending on the 31st day of August, 1932.

E. P. LAKEMAN.

Sworn to and subscribed before me on this the 14th. day of September, 1932.

J. A. POSEY,
Notary Public.

NOTICE

As is required by the Constitution and Laws of the State of Alabama, notice is hereby given that a bill in substance as follows will be introduced and offered for passage at the Special or Extraordinary session of the Legislature of Alabama, said session being the first session after the regular 1931 session of said Legislature.

AN ACT:

To repeal An Act entitled An Act "To provide for the payment of an expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense shall be paid out of the county treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit," said act having been approved on the 12th day of September, 1923.

Signed: J. CARL SHEPHERD,
CARTER MANASCO,
Representatives Walker County, Alabama.
Signed: COLEMAN D. SHEPHERD,
Senator 12th Senatorial District.

The State of Alabama, }
Fayette County. }

Before me Howard Stanley, a Notary Public, in and for said County in State aforesaid personally appeared W. B. Ford, Jr., who, being duly sworn, doth depose and say that he is publisher of The Northwest Alabamian, a weekly newspaper published in the Town of Fayette, State and County aforesaid, and that a certain advertisement (a true copy of which is hereto attached) has been published in said newspaper for 4 consecutive weeks prior to the 5th day of September 1932, and the respective numbers and dates of said newspaper in which said publication was made are the following, to-wit:

No. 1, the 4 day of August, 1932; No. 2, the 11 day of August, 1932;
No. 3, the 18 day of August, 1932; No. 4, the 25 day of August 1932.

W. B. FORD, JR.,
Publisher.

Sworn to and subscribed before me, this Sept. 5th day of 1932.
HOWARD STANLEY,
Notary Public.

Also:

By Mr. Sossaman:

H. 435. To amend an act entitled "An Act to alter and re-arrange the boundaries of the City of Mobile," by repealing Section 4 of said Act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that the following bill will be introduced at the coming special session of the Legislature of Alabama, viz:

A BILL TO BE ENTITLED

AN ACT to amend an act entitled "An Act to alter and re-arrange the boundaries of the City of Mobile," by repealing Section 4 of said Act.
Be it enacted by the Legislature of Alabama:

Section 1. That Section 4 of an Act of the Legislature of Alabama approved July 22nd, 1931 entitled "An Act to alter and re-arrange the boundaries of the City of Mobile", be and the same is hereby repealed."

GEORGE A. SOSSAMAN.

State of Alabama, }
County of Mobile. }

Personally appeared before me the undersigned Notary Public in and for said State and County, Sidney Berry, who upon oath deposes and says that he is the publisher of the Mobile Post a newspaper of general circulation in Mobile County, Alabama, and that the attached advertisement appeared in said newspaper in its issues of August 19th, 26th, September 2nd and September 9th, 1932.

SIDNEY BERRY.

Sworn and subscribed to before me this the 13th day of September, 1932.

VERNOL R. JANSEN,

Notary Public, Mobile County, Alabama.

Also:

By Mr. Lovelace:

H. 500. To fix the salary of the Tax Assessor of Tallapoosa County, and to provide for clerical assistance and other expenses in said office; to fix the salary of the Tax Collector of Tallapoosa County, and to provide for clerical assistance and other expenses in said office; to require each of said officers to collect all the fees, compensations and allowances, heretofore collected by said officials, and to pay same into the County Treasury, and to provide for the payment of the salary, clerical assistance, and other office expense out of the general funds of the County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Notice is hereby given that there will be introduced in the Legislature of Alabama at the special session thereof, which convened on the 16th day of August, 1932, a bill the substance of which will be as follows:

A BILL To Be Entitled AN ACT

To fix the salary of the Tax Assessor of Tallapoosa County, and to provide for clerical assistance and other expenses in said office; to fix the salary of the Tax Collector of Tallapoosa County, and to provide for clerical assistance and other expenses in said office; to require each of said officers to collect all the fees, compensations and allowances, heretofore collected by said officials, and to pay same into the County Treasury, and to provide for the payment of the salary, clerical assistance, and other office expense out of the general funds of the county.

Be it Enacted by the Legislature of Alabama:

Section 1. That commencing at the beginning of their next term of office, subsequent to the general election to be held on the first Tuesday after the first Monday in November, 1934, the salary of the following named officers of Tallapoosa County shall be as follows: The Tax Assessor of Tallapoosa County shall receive a salary of Twenty Four Hundred Dollars per annum net, and he shall be allowed the further and additional sum of Fifteen

Hundred Dollars per annum for clerical assistance and office expenses, the said sum shall be paid to the Tax Assessor in equal monthly installments and disbursed by him. The Tax Collector of Tallapoosa County shall receive a salary of Twenty Four Hundred Dollars per annum net, and he shall be allowed the further and additional sum of Fifteen Hundred Dollars per annum for clerical assistance and other office expenses, the said sum shall be paid to the Tax Collector in equal monthly installments and disbursed by him. All of said salaries shall be paid in equal monthly installments, out of the general funds of the county upon warrants drawn by the Judge of Probate. The salaries herein fixed shall be in lieu of all fees, compensations and allowances, heretofore allowed and paid to the respective officers named herein.

Section 2. That each of said officers herein above named, shall continue to collect all fees, compensations and allowances, heretofore collected by them, and shall pay same into the County Treasury on the first Monday of each month, after assuming the duties of office.

Section 3. The Court of County Commissioners, or other like governing body, of Tallapoosa County, shall provide each of said officers with the necessary quarters, books, stationery, office equipment, supplies, postage and other conveniences, necessary for the efficient handling of the affairs of their respective offices.

Section 4. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

J. H. LOVELACE.

State of Alabama, }
Tallapoosa County. }

Before me, J. H. Lovelace, a notary public, in said state and for said county, personally appeared Thos. S. Bugg, publisher of the Dadeville Record, a weekly newspaper with a general circulation in Tallapoosa County, who deposes and says upon oath that the attached notice of a local bill was published for four consecutive issues in said newspaper, to-wit: on Sept. 1, 1932; Sept. 8, 1932; Sept. 15, 1932 and on Sept. 22, 1932.

THOS. S. BUGG,
Publisher.

Sworn to and subscribed before me, this the 26th day of September, 1932.

J. H. LOVELACE,
Notary Public.

Also:

By Mr. West:

H. 505. To prohibit the practice of nepotism by public officials of the City of Birmingham in Jefferson County, Alabama, by employing persons related within the fourth degree by blood or marriage computed by the rules of Civil Law, or related within said degree to any other public official of said city, to define the term public official as used in this act, to prohibit such public official from paying or approving for payment any salary, fee, or compensation of such ineligible employee, to prescribe the penalty for the violation of this act and to except from its operation certain employees who have been in public employment for a prescribed time or appointed through Civil Service Board.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at a special session of the Legislature of Alabama called to be held at Montgomery, Alabama, commencing on Aug. 16, 1932, a bill, in substance as follows, will be introduced and the passage thereof applied for, namely:

A bill entitled

AN ACT

To prohibit the practice of nepotism by public officials of the City of Birmingham in Jefferson County, Alabama, by employing persons related within the fourth degree by blood or marriage computed by the rules of Civil Law, or related within said degree to any other public official of said city, to define the term public official as used in this act, to prohibit such public official from paying or approving for payment any salary, fee, or compensation of such ineligible employe, to prescribe the penalty for the violation of this act and to except from its operation certain employes who have been in public employment for a prescribed time or appointed through Civil Service Board.

Be it Enacted by the Legislature of Alabama:

Section 1. That it shall be unlawful for any public official of the City of Birmingham to employ, appoint or vote to employ or appoint or confirm to any public position, office, clerkship, employment or duty any person related within the fourth degree by blood or marriage computed according to rules of civil law to such official or to any other public official of said city.

Section 2. No person who is related within the fourth degree by blood or marriage to any public official of said city shall be eligible for public employment by any public officials of said city.

Section 3. The term "public official" and "public officials" as set forth and used in this act shall apply to and include members of the City Commission or members of a like governing body, judges of police courts, members of the Board of Education, members of the Park and Recreation Board, members of the Library Board, Superintendents of Education, City Attorneys, and all public officials and public employes who have or may hereafter have, authority to appoint, designate, employ, or vote for the employment of subordinates of any kind or character. This enumeration shall not be held to exclude from the operation and effect of this act any person included within its general provisions.

Section 4. No official or other person included within the terms of Section 3 of this act shall approve or pay any account or draw or authorize the drawing of any warrant or order to pay any salary, fee or compensation of such ineligible official, person or employe, and the official who knowingly pays any compensation to such ineligible official, person or employe shall be liable on his official bond for the amount of such payments.

Section 5. It is the purpose of this act to prohibit and discourage the pernicious and growing evils of nepotism, which is hereby declared to be unlawful, contrary to public policy, good morals, and efficient government, and this act is to be liberally construed to accomplish its purposes.

Section 6. This act shall not apply to any public employe who has been regularly employed in public service by said city for a period of four months next preceding the passage of this act and shall not apply to any public employe who was regularly employed in public service by said city for a period of not less than twelve months next preceding the election or appointment of the public official to whom such public employe is related within the prohibited degree, nor shall it affect any public employe whose employment is made through civil service board of said city.

Section 7. Whoever knowingly violates any provision of this act shall be guilty of a misdemeanor involving official misconduct and shall be fined not less than one hundred dollars nor more than one thousand dollars.

Section 8. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 9. If any section, sub-section, sub-division, sentence, clause, phrase, or requirement, of this act shall for any reason whatever be declared unconstitutional by any court, such decision shall not affect the validity of the remaining portions thereof. The Legislature hereby declares that it would have passed this act, and each section, sub-section, sub-division, sentence, clause, phrase and requirement thereof, irrespective of the fact that any one or more sections, sub-sections, sub-division, sentences, clauses, phrases or requirements thereof might be declared unconstitutional.

Section 10. This act shall go into effect immediately upon its approval.

State of Alabama, }
County of Jefferson. } ss:

On this 14th day of Sept., A. D., 1932, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State aforesaid, J. H. Capps, who being duly sworn according to law, declares that he is Book Keeper of The Birmingham Age-Herald, a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates:

Aug. 24-31, Sept. 7-14, 1932.

Signed J. H. CAPPS.

Subscribed and sworn to before me this day, 14th of Sept., A. D., 1932.
(Seal)

W. O. OLIVER,
Notary Public.

Also:

By Mr. Bradford of Jefferson:

H. 507. To prevent the practice of nepotism by public officials of Jefferson County, Alabama, by employing persons related within the fourth degree by blood or marriage computed according to the rules of civil law or related within said degree to any other public official of said county to define the term "public official" as used in this act, to prohibit such public official from approving or paying any salary, fee or compensation of such ineligible employee, to prescribe the penalty for the violation of this Act. To except from its operation certain employees who have been in the public employment for the prescribed time.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at a special session of the Legislature of Alabama called to be held at Montgomery, Alabama, commencing on August 16, 1932, a bill, in substance as follows, will be introduced and the passage thereof applied for, namely:

A bill to be entitled

AN ACT

To prevent the practice of nepotism by public officials of Jefferson County, Alabama, by employing persons related within the fourth degree by blood or marriage computed according to the rules of civil law or related within said degree to any other public official of said county, to define the term "public official" as used in this act, to prohibit such public official

from approving or paying any salary, fee or compensation of such ineligible employe, to prescribe the penalty for the violation of this act, to except from its operation certain employes who have been in the public employment for a prescribed time.

Be it Enacted by the Legislature of Alabama:

Section 1. That it shall be unlawful for any public official of Jefferson County, Alabama, to employ or appoint or vote to employ or appoint or confirm to any public position, office, clerkship, employment or duty any person related within the fourth degree by blood or marriage computed according to rules of civil law, to such official or to any other public official of said county.

Section 2. No person who is related within the fourth degree by blood or marriage to any public official of said county shall be eligible for public employment by any public officials of said county.

Section 3. The terms "public official" and "public officials" as set forth and used in this act shall apply to and include members of the County Commission or members of a like governing body, Circuit Clerks, Circuit Judges, Probate Judge, Judges and Clerks of Inferior Courts, Judges and Clerks of Statutory Courts, Tax Assessor, Tax Collector, Sheriff, Registrars, Register in Chancery, Clerks of Criminal Courts, Treasurer, members of the Boards of Education, members of Boards of Health, Superintendents of Boards of Education, Solicitors and all public officials and public employes who have or may hereafter have authority to appoint, designate, employ or vote for the employment of subordinates of any kind or character. This enumeration shall not be held to exclude from the operation and effect of this act any person included within its general provisions.

Section 4. No official or other person included within the terms of Section 3 of this act shall approve or pay any account or draw or authorize the drawing of any warrant or order to pay any salary, fee or compensation of such ineligible official, person or employe, and the official who knowingly pays any compensation to such ineligible officer, person or employe shall be liable on his official bond for the amount of such payments, and it shall be the duty of the circuit solicitor of said county to prosecute suits against such public officials paying such compensation, and their sureties, for the recovery of any such funds so paid.

Section 5. It is the purpose of this act to prohibit and discourage the pernicious and growing evils of nepotism, which is hereby declared to be unlawful, contrary to public policy, good morals, and efficient government, and this act is to be liberally construed to accomplish its purposes.

Section 6. This act shall not apply to any public employe who has been regularly employed in public service by said County for a period of four months next preceding passage of this act and shall not apply to any public employe hereafter who has been regularly employed in public service for said county for not less than twelve months next immediately preceding the election or appointment of the public official to whom such public employe is related within the prohibited degree.

Section 7. Whoever knowingly violates any provision of this act shall be guilty of a misdemeanor involving official misconduct and shall be fined not less than one hundred nor more than one thousand dollars.

Section 8. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 9. If any section, sub-section, sub-division, sentence, clause, phrase, or requirement, of this act shall for any reason whatever be declared unconstitutional by any court, such decision shall not affect the validity of the remaining portions thereof. The Legislature hereby declares that it would have passed this act, and each section, sub-section, sub-division, sentence, clause, phrase and requirement thereof, irrespective of the fact that any one or more sections, sub-sections, sub-divisions, sentences, clauses, phrases or requirements thereof might be declared unconstitutional.

Section 10. This Act shall go into effect immediately upon its approval.

State of Alabama, }
County of Jefferson. } ss:

On this 14th day of Sept., A. D., 1932, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State aforesaid, J. H. Capps, who being duly sworn according to law, declares that he is Book Keeper of The Birmingham Age-Herald, a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates:

Aug. 24-31, Sept. 7-14, 1932.

Signed J. H. CAPPS.

Subscribed and sworn to before me this day, 14th of Sept., A. D., 1932.
(Seal)

W. O. OLIVER,
Notary Public.

Also:

By Mr. Bradford of Jefferson:

H. 508. To fix the compensation or salary of the Deputy Clerk of the Criminal Division of the Circuit Court of the Tenth Judicial Circuit of Alabama, and to regulate the payment of the same.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at a special session of the Legislature of Alabama called to be held at Montgomery, Alabama, commencing on August 16th, 1932, a bill, in substance as follows, will be introduced and the passage thereof applied for, namely:

A bill to be entitled

AN ACT

To fix the compensation or salary of the Deputy Clerk of the Criminal Division of the Circuit Court of the Tenth Judicial Circuit of Alabama, and to regulate the payment of the same.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Deputy Clerk of the Criminal Division of the Circuit Court of the Tenth Judicial Circuit of Alabama shall receive a salary of forty-two hundred dollars (\$4200.00) per annum, which said salary shall be paid out of the county treasury of Jefferson County, Alabama, in equal monthly installments and shall be in lieu of all other compensation, fees or emoluments.

Section 2. That all laws and parts of laws, general, local or special, in conflict with the provisions of this Act be and the same are hereby repealed.

Section 3. That this Act shall go into effect upon its approval.

State of Alabama, }
County of Jefferson. } ss:

On this 14th day of Sept., A. D., 1932, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State aforesaid, J. H. Capps, who being duly sworn according to law, declares that he is Book Keeper of The Birmingham Age-Herald, a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates:

Aug. 24-31, Sept. 7-14, 1932.

Subscribed and sworn to before me this day, 14th of Sept., A. D., 1932.
(Seal) Signed J. H. CAPPS.
W. O. OLIVER,
Notary Public.

Also:

By Mr. Bradford of Jefferson:

H. 509. To fix the compensation or salary of the Deputy Clerk of the Branch of the Circuit Court of the Tenth Judicial Circuit of Alabama, sitting at Bessemer, in Jefferson County, Alabama, and to regulate the payment of the same.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at a special session of the Legislature of Alabama called to be held at Montgomery, Alabama, commencing on August 16th, 1932, a bill, in substance as follows, will be introduced and the passage thereof applied for, namely:

A bill to be entitled

AN ACT

To fix the compensation or salary of the Deputy Clerk of the Branch of the Circuit Court of the Tenth Judicial Circuit of Alabama, sitting at Bessemer, in Jefferson County, Alabama, and to regulate the payment of the same.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Deputy Clerk of the Branch of the Circuit Court of the Tenth Judicial Circuit of Alabama, sitting at Bessemer, in Jefferson County, Alabama, shall receive a salary of forty-two hundred dollars (\$4200.00) per annum, which said salary shall be paid out of the county treasury of Jefferson County, Alabama, in equal monthly installments and shall be in lieu of all other compensation, fees or emoluments.

Section 2. That all laws and parts of laws, general, local or special, in conflict with the provisions of this Act be and the same are hereby repealed.

Section 3. That this Act shall go into effect upon its approval.

State of Alabama, }
County of Jefferson. } ss:

On this 14th day of Sept., A. D., 1932, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State aforesaid, J. H. Capps, who being duly sworn according to law, declares that he is Book Keeper of The Birmingham Age-Herald, a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates:

Aug. 24-31, Sept. 7-14, 1932.

Subscribed and sworn to before me this day, 14th of Sept., A. D., 1932.
(Seal) Signed J. H. CAPPS.
W. O. OLIVER,
Notary Public.

Also:

By Mr. Morrow:

H. 515. To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama,

included within Precincts 29, 45, 52 and 53, as now constituted, in lieu of all justices of the peace and inferior courts created in said precincts and notaries public ex officio justices of peace within said precincts; to define the jurisdiction and powers of said court; to provide for the judge, clerks and other officers; their appointment, duties and compensation; to provide for a place for holding said court, the terms and salaries of said judge and other officers of said court, and otherwise to provide for said court.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at the special session of the Legislature of Alabama, called to be held at Montgomery, Ala., commencing on Aug. 16, 1932, a bill in substance as follows will be introduced and its passage applied for, namely: A bill to be entitled

AN ACT

To create and establish an inferior court of criminal and civil jurisdiction for that part of Jefferson County, Alabama, included within Precincts 29, 45, 52 and 53, as now constituted, in lieu of all justices of peace and inferior courts created in said precincts and notaries public ex officio justices of peace within said precincts; to define the jurisdiction and powers of said court; to provide for the judge, clerks and other officers; their appointment, duties and compensation; to provide for a place for holding said court, the terms and salaries of said judge and other officers of said court, and otherwise to provide for said court.

Be it enacted by the Legislature of Alabama:

Section 1. There is hereby created and established in and for that part of the territory of the City of Birmingham and Jefferson County, Alabama, known as and included within the Precincts 29, 45, 52 and 53, a Court, which shall be known as the Inferior Court of Ensley.

Section 2. Said court shall have, and is hereby given, all the power and authority now vested by the general laws of the State of Alabama in justices of the peace, or any court created in lieu of justices of the peace for said precincts, or any one of them or that may hereafter be conferred by law on justices of the peace.

Section 3. That said court shall have jurisdiction in civil cases in the four precincts hereinabove named, where the amount involved does not exceed One Hundred Dollars (\$100.00), except in cases of libel, slander, assault and battery and ejectment, and shall have jurisdiction of unlawful detainer and forcible entry and detainer.

Section 4. That said court shall have, and is hereby given, jurisdiction concurrent with the Circuit Court of Jefferson County, of all misdemeanors committed within said County.

Section 5. That in the trial of all cases in said court and the appeal from judgments or certiorari, the same rules of procedure as applicable to justice of the peace courts shall govern in said court.

Section 6. That the judge of said court is hereby given the right and authority to sentence defendants on conviction to hard labor for the County, for the payment of fines and costs.

Section 7. That the cost and fees to the clerk, constable, sheriff or other officers serving or issuing papers or other services in said court, except as herein otherwise provided, shall be the same as the cost and fees of justice of the peace court. The cost and fees of officers who are paid a salary by the

County shall be paid into the County Treasury. A fee of 50 cents shall be taxed and collected as a fee for docketing each case in said court.

Section 8. That a copy of any record, paper or proceeding filed or had in said court, when properly certified as being a true and correct copy by the clerk of said court, shall be admissible as evidence of the contents there shown, in any court of the state.

Section 9. That the clerk of said court shall issue executions on all judgments rendered by said court after the expiration of five days from such rendition, such execution to be returnable within not over 60 days from the date thereof, except that upon motion of the party in favor of whom such judgment was rendered, made within five days after the rendition of such judgment, the judge may in his discretion stay such execution.

Section 10. That the judge of the present Inferior Court of Ensley shall be the judge of the court created by this act, until the term for which he was elected shall have expired. The nominee of the Democratic party for the office of judge of the Inferior Court of Ensley, nominated in the primary election held on June 14, 1932, or the nominee of any other party, or other person qualified to hold said office, who shall receive a majority of the votes of the qualified electors of said precincts at next general election, shall become the judge of said court at the expiration of the term to which the judge of the present Inferior Court of Ensley was elected. The judge of said court shall be a qualified elector, over the age of 21 years, and shall reside within one of the precincts over which said court has jurisdiction in civil cases, and shall be learned in the law, or shall have been judge of such Inferior Court or a court created in lieu of justices of the peace, by whatsoever name called.

Section 11. That the judge of said court shall hold office for a term of four years, and until his successor is elected and qualifies; he shall be elected by the qualified electors of the four precincts over which the court exercises civil jurisdiction, at the general election in November, 1932, and every four years thereafter. In the event of a vacancy in the office of said judgeship, the governor of the state shall appoint a judge.

Section 12. That the judge of the Inferior Court of Ensley hereby created shall receive as compensation for his services as judge of said court, the sum of Three Thousand Dollars (\$3,000.00) per annum, payable in equal monthly installments out of the County Treasury of Jefferson County, Alabama.

Section 13. That the judge of said court shall be a magistrate and conservator of the peace within the precincts over which said court has jurisdiction; that he may take affidavits and warrants in felony cases returnable before himself or to any court having jurisdiction in such cases, and may take affidavits and warrants for misdemeanors directly returnable to himself. For his services as to all acts done by said judge, he shall be entitled to the same fees as provided by law for justices of the peace in such cases, which fees shall be collected as costs and shall be paid into the County Treasury by said judge or by the clerk of said court, who shall collect and receive said costs. The costs and fees collected shall not be the property of said judge or of said clerk, who shall receive for their services no other compensation than the salaries provided for them. The said judge of the Inferior Court of Ensley shall have power and authority to punish for contempt any cases where the judge of the Circuit Court of this state may punish for contempt, by a fine not exceeding Ten Dollars (\$10.00) and by imprisonment in the County Jail not exceeding twenty-four hours, or one or both. The said court herein provided for and established shall be a court of record and may adopt a seal.

Section 14. That the judge of the Inferior Court of Ensley may appoint a clerk, who shall be known as Clerk of the Inferior Court of Ensley, who shall hold office at the will of the judge appointing him, and who shall exercise and perform all of the duties and powers conferred by law on clerks of such courts. He shall keep a civil and criminal docket of all cases brought before said court and shall keep on file all original papers filed in said court. He

shall have authority to issue all necessary summons and complaints as to all cases filed in said court, and all other civil and criminal process which clerks of the Circuit Courts are now required or empowered by law to issue, subject to the limitation of the jurisdiction of the court hereby established. He shall tax and collect the costs in each criminal and civil case in said Inferior Court of Ensley herein provided for, together with any and all fines, forfeitures and penalties, which costs, fines, forfeitures and penalties when collected shall be by said clerk paid into the County Treasury, and such payments are required to be made at least once a month. The said clerk shall issue certificates of judgment of said court in the same form as is now provided by law for issuance of certificates of judgment from Circuit Courts, for which he shall be allowed a fee of twenty-five cents for each certificate of judgment so issued. Said certificates of judgment hereinabove provided to be issued by the clerk, shall upon being recorded in the Probate Office of said county, become a lien upon all property of the defendant which is subject to levy and sale under execution, and such lien shall continue for six years from date of judgment, and the filing of such certificate shall be notice to all persons of said lien. Said clerk of the Inferior Court of Ensley shall receive as compensation for his duties a sum not to exceed One Thousand, Five Hundred Dollars (\$1,500.00) per annum, to be paid in equal monthly installments by the Treasurer of Jefferson County, Alabama, said salary to be fixed by the County Commission or other like governing body.

Section 15. That the clerk and deputy clerk, herein provided for, shall each give bond in an amount fixed by the County Commission, or other like governing body, payable to the State of Alabama, and conditioned to faithfully discharge the duties of his office as provided in this act, which bond shall be approved by and filed in the office of the Judge of Probate of Jefferson County, Alabama, and premium thereon paid by the County Commission, or other like governing body. There shall be the same liabilities and remedies on said bond as upon a bond of a clerk of a Circuit Court.

Section 16. That the judge of said court may also appoint a deputy clerk, who shall receive an annual salary not to exceed the sum of One Thousand, Two Hundred Dollars (\$1,200.00), payable in equal monthly installments out of the County Treasury of Jefferson County, Alabama, said salary to be fixed by the County Commission, or other like governing body; said deputy clerk shall hold office at the will of the judge of said Inferior Court of Ensley, and shall have and exercise all the rights, duties and powers pertaining to the office of the clerk of said court.

Section 17. That the County Commission or other like governing body may appoint a solicitor of said court, who shall hold office at the will of the County Commission or other like governing body appointing him. Said solicitor shall at the time of his appointment be a qualified elector of and reside in one of the precincts over which said court exercises civil jurisdiction, and shall be learned in the law and admitted to the practice. Said solicitor shall prosecute for the court all criminal cases in said court, and for doing so, shall receive a salary not to exceed the sum of One Thousand, Two Hundred Dollars (\$1,200.00) per annum, payable in equal monthly installments out of the County Treasury of Jefferson County, Alabama, said salary to be fixed by the County Commission, or other like governing body. There shall be taxed as a part of the costs in each misdemeanor case tried in said court, a solicitor's fee of \$2.50, and in all felony cases a solicitor's fee of \$5.00, which fees shall be collected as other costs are collected in such cases, and paid into the County Treasury of Jefferson County, Alabama.

Section 18. That all process issuing out of said court shall be addressed to the sheriff constable or any lawful officer of said county.

Section 19. That the judge of said court shall hold court at least one day of each week in each of said precincts, and it shall be the duty of the County Commission of Jefferson County, Alabama, or other like governing body, to provide such offices and place for holding court in each of said

precincts, and to furnish and supply the same with the necessary fixtures, stationery, stamps, telephone, lights, heat, etc., and it shall also be the duty of said County Commission, or other like governing body, and they are hereby directed and authorized to supply to the clerk of said court the necessary minute books, dockets, blank forms, record books, and such other books, records and blank forms as are reasonably necessary to dispatch the business of said court. However, the total monthly rental for court rooms in Precincts 29, 52 and 53 shall not exceed the sum of Forty-Five (\$45.00) Dollars.

Section 20. That final judgments rendered in civil cases in said court shall, after the expiration of five days from their rendition, be taken and deemed to have passed beyond control of the court, as if such term of the court at which said judgments were rendered had ended.

Section 21. That this court shall have the power to set aside, vacate or modify its judgments in civil or criminal cases upon motion made within five days after the rendition of same, which said motion must be promptly determined; and this court may open for business and render default or other judgments at any time after 9:30 A.M. of each week day, and all processes of the court, where no time is otherwise fixed, shall be returnable at 9:30 A.M. of the return day.

Section 22. That if the judge of said court shall be unable to discharge the duties of his office, by reason of sickness, disqualification or inability to hold said court, upon notice given by the clerk of said court hereby created, it shall be the duty of the presiding judge of the Circuit Court for the Tenth Judicial Circuit of Alabama, or in his absence the probate judge of Jefferson County, Alabama, to appoint as special judge, some practicing attorney who shall be a resident of one of said precincts, and who shall perform all of the duties of the judge of said court, during the illness, disqualification or inability of said judge, which said special judge shall receive the same compensation as the regular judge of said court, payable in the same manner and by the same process.

Section 23. That it shall be the duty of the auditor of Jefferson County, Alabama, to audit the accounts of the said Inferior Court, and the clerk shall keep a fee docket containing an itemized statement of all costs taxed in such cause, the said costs collected, and within 90 days after any final judgment in any causes, an entry showing substantially the return of the constable or sheriff of the execution or other process for the collection of said judgment or costs, and on the first days of January, April, July and October of each year shall file with the auditor of Jefferson County, a statement from said docket showing the amount of costs collected and in what causes, together with the substance of the return of the constable or sheriff of the process for its collection.

Section 24. That if it shall appear to the auditor that in any case in said court where an execution has been returned unsatisfied as to the costs of said cause, and in the opinion of the auditor said costs can be collected by an alias execution, the auditor may direct the clerk of the court to issue such alias executions and may direct the constable or sheriff as to what property can be levied upon to satisfy said judgment.

Section 25. That the judge of said court is hereby given and granted a vacation with pay not to exceed 14 days for each 12-month period during the term of his office. That during such vacation, a judge pro tempore shall be appointed on the same notice and in the same manner as provided by Section 22 of this act, and shall receive the same compensation.

Section 26. That the Inferior Court of Ensley as now constituted be and the same is hereby abolished, that the dockets, official papers and records of all kinds of said abolished court shall be delivered to the clerk of the court hereby established, and all causes pending in said abolished court shall be by such delivery transferred to the court hereby established, as if they had begun therein. Executions and other processes for the collection of the judgments of said abolished court, may be issued from the court hereby created, includ-

ing executions for costs, and upon collection of costs accrued before the adoption of this act the clerk of the court hereby created shall pay said costs into the County Treasury or to other persons or officers entitled to the same, and when paid to any one other than the County Treasurer, said clerk shall take a receipt for such payment which shall be entered on the docket of said cause.

Section 27. That if for any reason, any section, clause or provision of this act shall be declared to be invalid or unconstitutional, it shall not be held to effect any other section, clause or provision, but the same shall remain in full force and effect.

Section 28. That all laws and parts of laws, whether local, general or special, insofar as they conflict with the provisions of this act, be and the same are hereby repealed.

Section 29. That this act shall take effect immediately upon its passage and approval by the governor.

State of Alabama, }
County of Jefferson. } ss:

On this 21st day of Sept., A. D., 1932, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State aforesaid, J. H. Capps, who being duly sworn according to law, declares that he is Book Keeper of The Birmingham Age-Herald, a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates:

Aug. 31, Sept. 7-14-21, 1932.

Signed J. H. CAPPS.

Subscribed and sworn to before me this day, 21st of Sept., A. D., 1932.
(Seal)

W. O. OLIVER,
Notary Public.

Also:

By Mr. Tate:

H. 523. To further regulate the Juvenile and Domestic Relations Court of Jefferson County, to fix the compensation of the Judge thereof and to provide for payment of the same, to provide for a clerk, solicitor, probation officers and other employees to serve in said Court, the method of their selection and the method of fixing the number of such clerks, probation officers and other employees and their compensation, and to regulate the payment of same and the manner of payment, and to fix a schedule of maximum salaries of said clerks, solicitor, probation officers and other employees.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Take notice that at a special session of the Legislature of Alabama called to be held at Montgomery, Alabama, commencing on August 16th, 1932, a bill, in substance as follows, will be introduced and the passage thereof applied for, namely:

A bill to be entitled

AN ACT

To further regulate the Juvenile and Domestic Relations Court of Jefferson County, to fix the compensation of the Judge thereof and to provide for payment of the same, to provide for a clerk, solicitor, probation officers

and other employees to serve in said Court, the method of their selection and the method of fixing the number of such clerks, probation officers and other employees and their compensation, and to regulate the payment of same and the manner of payment, and to fix a schedule of maximum salaries of said clerks, solicitor, probation officers and other employees. Be it Enacted by the Legislature of Alabama:

Section 1. The Judge of the Juvenile and Domestic Relations Court of Jefferson County, Alabama, shall receive a salary of forty-two hundred dollars (\$4200.00), per annum, which salary shall be paid out of the County Treasury in equal monthly installments.

Section 2. The Judge of said Court is authorized and empowered to appoint a clerk thereof to serve at the pleasure of such Judge, who shall have all the authority now or hereafter conferred by law on probation officers and all the power and authority as to causes and matters in said Courts as clerks of the Circuit Courts and Registers in Chancery possess as to such courts and causes. Before entering into the discharge of his duties, such clerk shall make and file a bond in the sum of two thousand dollars (\$2,000.00) conditioned as the bonds of the clerks of the Circuit Court are conditioned, which said bond shall be taken, approved and filed as are the bonds of said Circuit Clerks, the premium on which said bond shall be paid by Jefferson County.

Section 3. The County Commission of Jefferson County is hereby authorized and empowered to provide for the employment in said Court of such a number of probation officers and other employees as in the judgment of said County Commission may be reasonably necessary for the proper functioning of said Court, such probation officers and other employees to be appointed by the Judge of said Court with the consent and approval of the Advisory Board of said Court.

Section 4. The County Commission of Jefferson County may from time to time determine the necessity for a solicitor for said Court and may in its discretion from time to time provide a solicitor for said Court, who shall hold office at the pleasure of said County Commission.

Section 5. The County Commission of Jefferson County shall have the right at any time to fix the compensation to be paid to the clerk, solicitor, probation officers and other assistants employed in said Court, provided that the maximum salary payable to said solicitor shall not exceed the sum of three thousand dollars (\$3,000.00) per annum, and the maximum salary payable to any clerk, probation officer or other assistant in said Court shall not exceed the sum of twenty-four hundred dollars (\$2400.00) per annum. All of said salaries shall be payable in equal monthly installments out of the funds of the County.

Section 6. All laws and parts of laws, local, general, or special, in conflict with the provisions hereof be and the same are hereby repealed.

Section 7. This Act shall take effect immediately upon its approval.

State of Alabama, }
County of Jefferson. } ss:

On this 14th day of Sept., A. D., 1932, personally appeared before me, W. O. Oliver, a Notary Public in and for the County and State aforesaid, J. H. Capps, who being duly sworn according to law, declares that he is Book Keeper of The Birmingham Age-Herald, a newspaper published in the City of Birmingham, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, appeared in The Birmingham Age-Herald on the following dates:

Aug. 24-31, Sept. 7-14, 1932.

Signed J. H. CAPPS.

Subscribed and sworn to before me this day, 14th of Sept., A. D., 1932.
(Seal)

W. O. OLIVER,
Notary Public.
J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate Standing Committees as follows:

H. B's. 208, 217, 355, 423, 314, 359, 360, 361, 362, 363, 364, 365, 368, 369, 370, 372, 505, 507, 508, 509, 515 and 523, to the Committee on Banking and Insurance.

H. B's. 439, 296, 388, 389, 435, and 500 to the Committee on Local Legislation.

H. B. 418, to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment: By Mr. Taylor:

H. 487. To provide for the employment of four prison guards for the Mobile County jail by the Sheriff of Mobile County to perform such duties at the jail as may be assigned to them by the Sheriff; to fix their compensation and provide for payment of same out of the County Treasury and to provide that all laws, general, local, or private, and all parts of any such laws in conflict with the provisions of this act are hereby repealed; and to provide that this act shall take effect immediately upon its passage and approval.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the special session of the Legislature convened on to-wit August 16th, 1932, by call of the Governor for the passage of a local Law providing in substance as follows:

AN ACT

To provide for the employment of four prison guards for the Mobile county jail by the sheriff of Mobile county to perform such duties at the jail as may be assigned to them by the sheriff; to fix their compensation and provide for payment of same out of the county treasury and to provide that all laws, general, local, or private, and all parts of any such laws in conflict with the provisions of this act are hereby repealed; and to provide that this act shall take effect immediately upon its passage and approval.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Sheriff of Mobile County, Alabama, be and he hereby is authorized to employ and keep in his service four prison guards who shall perform such duties in the Mobile County Jail as may be from time to time assigned to them by the Sheriff of Mobile County; that such guards shall be appointed by the Sheriff and shall be subject to his order and may be discharged at will by such Sheriff.

Section 2. That three of the said guards shall receive salaries of \$125.00 each, per month and one of the said guards shall receive a salary of \$150.00 per month to be paid out of the Treasury of the said County.

Section 3. That all Laws, General, Local or Private and all parts of any such laws in conflict with this act be and the same are hereby repealed.

Section 4. This Act shall take effect immediately upon its passage and approval.

State of Alabama, }
County of Mobile. }

Before me, Kathyryne Farmer, a Notary Public in and for said State and County, personally appeared R. L. O'Neal, Jr., who is known to me and who being sworn says:

Affiant is Editor of "The Citizen" and has personal knowledge of the facts herein stated; that notice of intention to apply to the Legislature of Alabama, convened on to-wit: August 16th, 1932, by call of the Governor for the passage of a local law, copy of which notice is hereto attached, was published without cost to the State in "The Citizen", a newspaper published at Prichard in Mobile County, Alabama, that being the county to be affected by said law, once a week for four consecutive weeks prior to the introduction of the bill.

Affiant further says that the notice, copy of which is attached to this affidavit, was published in "The Citizen" once a week for four consecutive weeks, viz: on September 2nd, 1932, September 9th, 1932, September 16th, 1932 and September 23rd, 1932. Affiant further says that said notice was published without cost to the State.

R. L. O'NEAL, JR.

Sworn to and subscribed before me this 24th day of September, 1932.
(Seal)

KATHRYNE FARMER,

Notary Public, Mobile County, Alabama.

Also:

By Mr. Taylor:

H. 488. To provide for the employment of not exceeding three road patrolmen for Mobile County by the Sheriff; to define their duties and to vest in such patrolmen the authority and duties of deputy sheriffs; to fix their compensation and to provide for the payment of same out of the general funds of the county as the salaries of other county employees are paid; to provide that such patrolmen shall hold office at the will of the Sheriff appointing them but not beyond the expiration of his term; to provide that the Board of County Commissioners; the Board of Revenue and Road Commissioners or other like governing body in Mobile County is hereby directed and authorized to purchase automobiles and other equipment including supplies such as gasoline, oils, greases, tools and other apparatus necessary in the operation and maintenance of such automobiles or other equipment, as may be requisitioned by the Sheriff for the use of the patrolmen appointed and employed under the provisions of this Act and to keep such automobiles and other equipment in proper repair; to provide that all laws and parts of laws, general, local, private or special, in conflict with the provisions of this act be and the same are hereby repealed, and to provide that this act shall take effect immediately upon its passage and approval.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the special session of the Legislature convened on to-wit August 16th, 1932, by call of the Governor for the passage of a local Law providing in substance as follows:

AN ACT

To provide for the employment of not exceeding three road patrolmen for Mobile County by the sheriff; to define their duties and to vest in such patrolmen the authority and duties of deputy sheriffs; to fix their compensation and to provide for the payment of same out of the general funds of the county as the salaries of other county employees are paid; to provide that such patrolmen shall hold office at the will of the sheriff appointing them but not beyond the expiration of his term; to provide that the Board of County Commissioners; the Board of Revenue and Road Commissioners or other like governing body in Mobile County is hereby directed and authorized to purchase automobiles and other equipment including supplies such as gasoline, oils, greases, tools and other apparatus necessary in the operation and maintenance of such automobiles or other equipment, as may be requisitioned by the sheriff for the use of the patrolmen appointed and employed under the provisions of this act and to keep such automobiles and other equipment in proper repair; to provide that all laws and parts of laws, general, local, private or special, in conflict with the provisions of this act be and the same are hereby repealed, and to provide that this act shall take effect immediately upon its passage and approval.

Be it Enacted by the Legislature of Alabama:

Section 1. That in Mobile County, Alabama, the sheriff is hereby given authority to employ as many patrolmen as he may deem necessary not to exceed three, to patrol the public highways of said county for the purpose of enforcing the motor vehicle act and all laws on the statute books relating to the operation of automobiles and motor vehicles on the public highways of said county and all traffic laws on the statute books of the State of Alabama.

Section 2. The said patrolmen shall be vested with the authority and duties of deputy sheriffs.

Section 3. The salaries of such patrolmen shall be \$150.00 per month for each patrolman, such salaries to be paid by the county out of the general funds of said county as the salaries of other county employees are paid.

Section 4. All patrolmen employed under the provisions of this act shall hold office at the will of the sheriff so appointing them but not beyond the expiration of the term of such sheriff.

Section 5. The board of county commissioners, Board of Revenue and Road Commissioners or like governing body of Mobile County, is hereby directed and authorized to purchase such automobiles and other equipment including supplies such as gasoline, oils, greases, tools and other apparatus necessary in the operation and maintenance of such automobiles or other equipment as may be requisitioned by the Sheriff, for the use of the patrolmen appointed and employed under the provisions of this act and to keep said automobiles and other equipment in proper repair.

Section 6. Be it further enacted by the Legislature of Alabama that all laws and parts of laws, general, local, private and special in conflict with the provisions of this act be and the same are hereby repealed.

Section 7. This Act shall take effect immediately upon its passage and approval by the Governor.

State of Alabama, }
County of Mobile. }

Before me, Kathryn Farmer, a Notary Public in and for said State and County, personally appeared R. L. O'Neal, Jr., who is known to me and who being sworn says:

Affiant is Editor of "The Citizen," and has personal knowledge of the facts herein stated; that notice of intention to apply to the Legislature of Alabama, convened on to-wit: August 16th, 1932, by call of the Governor for the passage of a local law, copy of which notice is hereto attached, was published without cost to the State in "The Citizen", a newspaper published at

Prichard in Mobile County, Alabama, that being the county to be affected by said law, once a week for four consecutive weeks prior to the introduction of the bill.

Affiant further says that the notice, copy of which is attached to this affidavit, was published in "The Citizen", once a week for four consecutive weeks, viz: on September 2nd, 1932, September 9th, 1932, September 16th, 1932 and September 23rd, 1932. Affiant further says that said notice was published without cost to the State.

R. L. O'NEAL, JR.

Sworn to and subscribed before me this 24th day of September, 1932.

KATHRYNE FARMER,

(Seal)

Notary Public, Mobile County, Alabama.

Also:

By Mr. Taylor:

H. 489. To amend Section 14 of an act approved February 23rd, 1899, entitled "An Act to establish an inferior criminal court in the County of Mobile," as amended by an act approved February 21st, 1907, entitled "An Act to amend Sections two (2), three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), thirteen (13) and Fourteen (14), of an Act entitled an Act to establish an inferior criminal court in the County of Mobile approved February 23rd, 1899," And further amended by an Act approved August 26, 1927, entitled, "An Act to amend sections 4 and 9 of an Act entitled An Act to amend sections two (2), three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), thirteen (13) and fourteen (14), of an Act entitled an Act to establish an inferior criminal court in the County of Mobile, Alabama, approved February 23rd, 1899—approved February 21st, 1907," so as to provide that the sheriff, as compensation for the services required of him and for furnishing the bailiff shall receive and be paid the same fees prescribed for the sheriff by the general law for the performance of such services.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the special session of the Legislature convened on to-wit August 16th, 1932, by call of the Governor for the passage of a local Law providing in substance as follows:

AN ACT

To amend Section 14 of an act approved February 23rd, 1899, entitled "An Act to Establish an Inferior Criminal Court in the County of Mobile," as amended by an act approved February 21st, 1907, entitled "An Act to Amend Sections two (2), three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), thirteen (13), and fourteen (14), of an act entitled an act to establish an inferior criminal court in the county of Mobile approved February 23rd, 1899," and further amended by an act approved August 26, 1927 entitled, "An Act to amend sections 4 and 9 of an act entitled an act to amend sections two (2), three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), thirteen (13), and fourteen (14) of an act entitled an act to establish an inferior criminal court in the county of Mobile, Alabama, approved February 23rd, 1899—Approved February 21st, 1907," so as to pro-

vide that the sheriff, as compensation for the services required of him and for furnishing the bailiff shall receive and be paid the same fees prescribed for the sheriff by the general law for the performance of such services.

Be it Enacted by the Legislature of Alabama:

That Section 14 of an act entitled, "An Act to establish an Inferior Criminal Court in the County of Mobile, approved February 23rd, 1899," as amended by an Act approved February 21st, 1907, entitled, "An Act to amend sections two (2), three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), thirteen (13), and fourteen (14), of an act entitled an act to establish an inferior criminal court in the county of Mobile, approved February 23rd, 1899," and further amended by an act approved Aug. 26, 1927, entitled "An Act to amend Sections 4 and 9 of an act entitled "An act to amend Sections two (2), three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), thirteen (13), and fourteen (14), of an act entitled an act to establish an Inferior Criminal Court in the County of Mobile, Alabama, approved February 23rd, 1899"—approved February 21st, 1907," be and the same is hereby amended so as to read as follows:

"Section 14: Be it further enacted that the said judge or clerk of the said Inferior Criminal Court shall address all processes of whatever nature or kind to the Sheriff of Mobile County, who shall either himself or by deputy execute the same. When required by the said Judge the said Sheriff shall furnish a bailiff for the said Inferior Criminal Court. The sheriff shall receive and be paid as compensation for the services required of him and for furnishing the bailiff, the same fees prescribed for the sheriff by the general law for the performance of such services.

State of Alabama, }
County of Mobile. }

Before me, Kathryn Farmer, a Notary Public in and for said State and County, personally appeared R. L. O'Neal, Jr., who is known to me and who being sworn says:

Affiant is Editor of "The Citizen" and has personal knowledge of the facts herein stated; that notice of intention to apply to the Legislature of Alabama, convened on to-wit: August 16th, 1932, by call of the Governor for the passage of a local law, copy of which notice is hereto attached, was published without cost to the State in "The Citizen", a newspaper published at Prichard in Mobile County, Alabama, that being the county to be affected by said law, once a week for four consecutive weeks prior to the introduction of the bill.

Affiant further says that the notice, copy of which is attached to this affidavit, was published in "The Citizen" once a week for four consecutive weeks, viz: on September 2nd, 1932, September 9th, 1932, September 16th, 1932 and September 23rd, 1932. Affiant further says that said notice was published without cost to the State.

R. L. O'NEAL, JR.

Sworn to and subscribed before me this 24th day of September, 1932.

(Seal) KATHRYNE FARMER,
Notary Public, Mobile County, Alabama.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate Sanding Committee as follows:

H. B's. 487, 488, and 489 to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:
By Mr. Tunstall:

H. 421. A bill to be entitled an Act to propose an amendment to the Constitution of Alabama, to be known as Article AA, to provide that it shall be unlawful for the Auditor of the State of Alabama to draw any warrant, or other order for the payment of money belonging to, or administered by, the State of Alabama, upon the State Treasurer, unless and until it shall have been certified to such Auditor by such Treasurer, in writing, that there is then in the hands of such Treasurer, money available, and appropriated for the full payment of the same; and to provide that, in case there is, at the end of the fiscal year sufficient money in the State Treasury for the payment of all proper claims presented to the Auditor for the issuance of warrants, for the proration of the same, and for the issuance and payment of warrants for the several prorated sums; and to provide that all unpaid appropriations which exceed the amount of money in the State Treasury at the end of each fiscal year available for their payment, shall become null and void to the extent of such excess; and to provide that if there shall be in the State Treasury at the end of any fiscal year, any money of the general fund in excess of the appropriations for that year, that the same shall be covered into a special fund for the sole benefit of the common schools of Alabama and to provide penalties for the violation of any of the provisions of such amendment.

Be it enacted by the Legislature of Alabama:

Section 1. That an amendment to the Constitution of the State of Alabama, to be known as Article AA, is hereby proposed, the proposed amendment being as follows:—

"Article AA. From and after the adoption of this amendment it shall be unlawful for the Auditor of the State of Alabama to draw any warrant or other order for the payment of money belonging to, or administered by, the State of Alabama upon the State Treasurer unless and until it shall have been certified to such Auditor by such Treasurer that there is then in the hands of such Treasurer money available, and appropriated, for the full payment of the same. In case there is, at the end of any fiscal year, in sufficient money in the State Treasury for the payment of all proper claims presented to the Auditor for the issuance of warrants, the Auditor shall issue warrants for that proportion of each such claim which the money available for the payment of all of said claims

bears to the whole, and such warrants for such prorated sums shall thereupon be paid by the State Treasurer. At the end of each fiscal year all unpaid appropriations which exceed the amount of money in the State Treasury subject to the payment of the same after the proration above provided for, shall thereupon become null and void to the extent of such excess. If there shall be in the State Treasury at the end of any fiscal year, any money in the general fund in excess of the appropriations for that year, such excess shall be covered into a special fund for the sole benefit of the common schools of Alabama.

The word 'Auditor', as herein used shall include any officer who may hereafter be vested with the powers now exercised by the State Auditor of Alabama, and word 'Treasurer', as herein used shall include any officer charged with the custody and disbursement of funds belonging or administered by the State of Alabama.

Any person violating any of the provisions of this Article shall, on conviction, be punished by a fine of not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any of the provisions of this Article shall also be ground for impeachment."

Section 2. An election by the qualified electors of the State upon such proposed amendment is hereby ordered, and the day hereby appointed for such election is the general election to be held in the State of Alabama in the year 1934, viz, the second Tuesday, in November, 1934.

Section 3. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each County in the State for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 4. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following, viz: "Shall the following be adopted as Article AA of the Constitution of Alabama?" "Article AA. From and after the adoption of this amendment it shall be unlawful for the Auditor of the State of Alabama to draw any warrant or other order for the payment of money belonging to, or administered by, the State of Alabama upon the State Treasurer unless and until it shall have been certified to such Auditor by such Treasurer that there is then in the hands of such Treasurer money available, and appropriated, for the full payment of the same. In case there is, at the end of any fiscal year, insufficient money in the State Treasury for the payment of all proper claims presented to the Auditor for the issuance of warrants, the Auditor shall issue warrants for that proportion of each such claim which the money

available for the payment of all of said claims bears to the whole, and such warrants for such prorated sums shall thereupon be paid by the State Treasurer. At the end of each fiscal year all unpaid appropriations which exceed the amount of money in the State Treasury subject to the payment of the same after the proration above provided for, shall thereupon become null and void to the extent of such excess. If there shall be in the State Treasury at the end of any fiscal year, any money in the general fund in excess of the appropriations for that year, such excess shall be covered into a special fund for the sole benefit of the common schools of Alabama.

The word 'Auditor,' as herein used shall include any officer who may hereafter be vested with the powers now exercised by the State Auditor of Alabama, and the word 'Treasurer,' as herein used shall include any officer charged with the custody and disbursement of funds belonging to or administered by the State of Alabama.

Any person violating any of the provisions of this Article shall, on conviction, be punished by a fine of not exceeding Five Thousand Dollars (\$5,000.00), or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any of the provisions of this Article shall also be ground for impeachment. Yes. No." The choice of the elector shall be indicated by a cross mark made by him, or under his direction, expressing his desire.

Section 5. The officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officers as provided by the election law of the State, for the appointment of officers to hold general elections in the State, and the election shall be held in all things in accordance with the law governing general elections and with the Constitutional provisions concerning amendments to that instrument.

Section 6. The votes cast at said election on said amendment shall be counted, canvassed and tabulated and return made to the Secretary of State in the same manner as in elections of Representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall be valid in all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House Message was read once at length, as required by the Constitution, and referred to appropriate Standing Committee as follows:

H. 421, to the Committee on Constitution and Constitutional Revision and Amendments.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 112. To regulate and limit the use of the public highways in the State by motor trucks, semi-trailer trucks, semi-trailers and trailers; to define the powers of the State Highway Department and the State Highway Commission, courts of county commissioners and other bodies having like jurisdiction and incorporated cities and towns in respect thereof; to provide for the enforcement of this Act, and to prescribe penalties for violations thereof, and provide for the use of moneys arising from penalties and bond forfeitures collected under the provisions of this Act, and exempting certain of such motor trucks, semi-trailer trucks, semi-trailers and trailers from the provisions hereof, or certain of such provisions, and to repeal an Act entitled "An Act to prescribe the maximum size, width, length and weight, including load, limits of motor vehicles and combination of motor vehicles, operating upon the public highways of this State, and to prescribe penalties for violations of this Act," and all laws or parts of laws in conflict or inconsistent with the provisions of this Act to the extent of such conflict or inconsistency.

Also:

H. 186. To provide for the levy, assessment and collection of Estate Taxes in the State of Alabama.

Also:

H. 213. To amend Section 9022 of the Code of Alabama of 1923.

Also:

H. 220. To submit to the qualified voters of the State at the general election to be held on the first Tuesday after the first Monday of November, 1934, for their consideration an amendment to the Constitution of the State so as to direct the Legislature from time to time by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, to fix, regulate and alter the costs, charges of court, fees, commissions, allowances or salaries to be charged or received by certain county officers of Mobile County, Alabama, being the Judge of Probate, the Tax Assessor, the Tax Collector, the Clerk of the Circuit Court, and the

Register of the Circuit and Chancery Courts, including the method or basis of the compensation of such officers.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been public read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 25. Relating to the salary or compensation of officers or employees of the State, or of any department thereof whose compensation is paid out of State Treasury.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Bonner, the Senate non-concurred in the following amendment by the House to S. 25, the title of which is set out in the foregoing Message from the House, and requests a Committee of Conference consisting of three from the Senate and three from the House, to-wit:

Substitute H. 25:

A BILL

To be entitled an Act relating to the salary or compensation of officers or employees of the State, or of any department thereof whose compensation is paid out of State Treasury.

Be it enacted by the Legislature of Alabama:

Section 1. That the salary of each and every officer and employee of the State or any department thereof who was receiving on January 1, 1932 more than \$1200.00 per annum, as compensation for services performed for the State as salary or compensation, be, and the same is hereby reduced as follows:

Any officer or employee of the State of Alabama receiving \$12000.00 or more per annum shall be reduced 33-1/3 per cent; any officer or employee of the State receiving \$10000.00, and less than \$12000.00 shall be reduced 32 per cent; any officer or employee of the State receiving \$8000.00, and less than \$10000.00 shall be re-

duced 30 per cent; any officer or employee of the State receiving \$6000.00 and less than \$8000.00 shall be reduced $27\frac{1}{2}$ per cent; any officer or employee of the State receiving \$4000.00 and less than \$6000.00 shall be reduced 25 per cent; any officer or employee of the State receiving \$2000.00 and less than \$4000.00 shall be reduced 20 per cent; any officer or employee of the State receiving \$1200.00 and less than \$2000.00 shall be reduced 15 per cent, and any officer and employee of the State receiving \$1200.00 or less shall suffer no reduction. Provided no reduction made herein shall reduce the salary received by any officer or employee below a minimum of \$1200.00 per annum.

The above scale reduction shall apply to the pay roll as of January 1, 1931 and to any office created subsequent thereto.

Provided the above schedule of salaries shall not apply to the following officers. Governor, Secretary of State, Attorney General, Auditor, Treasurer, Game and Fish Commissioner, Members of Public Service Commission, Superintendent of Education, Chief Justice of the Supreme Court, Judges of Supreme Court, Judge of Court of Appeal, Circuit Judges, Circuit Solicitors.

Section 2. The salary of the Governor, shall be six thousand dollars per annum; the salary of the Secretary of State, Attorney General, Auditor, Treasurer, Game and Fish Commissioner, Members of Public Service Commission, Superintendent of Education, each shall be four thousand dollars per annum; the salary of the chief Justice and Associate Judges of the Supreme Court shall be six thousand dollars, per annum; the salary of the Judges of Court of Appeal shall be five thousand, per annum, that the salary of Circuit Judges shall be four thousand dollars per annum; Provided, however, that Circuit Judges in judicial circuit of more than one county shall receive the sum of one hundred dollars per annum, for each court of their judicial circuit over and above one, the said additional allowance to be reimbursement for their reasonable expenses while in attendance on Court outside of their home county; the salary of Circuit Solicitors shall be three thousand dollars per annum; The said Salaries to be paid monthly and shall be in effect on the last day of the month in which said bill is passed by the Legislature and approved by the Governor.

Section 3. The salary of the Governor, shall be six thousand dollars per annum; the salary of the Secretary of State, Attorney General, Auditor, Treasurer, Game and Fish Commissioner, Members of Public Service Commission, Superintendent of Education, each shall be four thousand dollars per annum; the salary of the Chief Justice and Associate Judges of the Supreme Court shall be six thousand dollars, per annum; the Salary of Judges of Court of Appeal shall be five thousand, per annum, that the salary of Circuit Judges shall be four thousand dollars per annum; Provided, however, that Circuit Judges in Judicial Circuits of more than one

county shall receive the sum of one hundred dollars per annum, for each county of their judicial circuit over and above one, the said additional allowance to be reimbursement for their reasonable expenses while in attendance on Court outside of their home county; The Salary of Circuit Solicitors shall be three thousand dollars per annum; The said Salaries to be paid monthly, and this section shall become effective on the expiration of their present terms and the salaries of their successors shall be as provided in this Act.

Section 4. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 5. If any part of this Act shall be held to be unconstitutional, such holding shall not affect the validity of the remainder of said Act.

Amend Substitute for S. B. No. 25 by striking out of Section 2 beginning with the word "Provided" in line 9 and ending with the word "County" in line 14 of said section and also amend Section 3 of Substitute for S. B. 25 by striking out of said Section 3 beginning with the word "Provided" in line 9 and ending with the word "County" in line 14 of said Section.

Amend the substitute for Senate Bill 25 by adding, at the end of the third paragraph of Section 1, the following: "Provided however, that if any salary has, since January 1, 1931 been reduced to a greater extent than the above provisions would reduce it, the reduction already made shall remain in effect, and such salary shall not be increased by the provisions of this Act".

Amendment to Substitute S. B. No. 25.

Amend sections 2 and 3 of said bill by inserting after the word "Auditor" and before the word "Treasurer" wherever they appear in said bill the words "Commissioner of Agriculture and Industries".

To amend Substitute for S. B. 25 by adding the following:

This bill shall go in effect on the 1st day of November, 1932.

Yeas, 19; nays, 1.

Yeas:

Messrs.:

Beasley

Bonner

Brown

Caffey

Cooper

Cowart

Craft

Darden

Delony

Duncan

Goodwin

Hubbard

Jordan

Mullins

Riddle

Scruggs

Teasley

Warren

Wikle

—19

Nays: Mr. Garrett

— 1

Thereupon the President of the Senate appointed as conferees on part of the Senate Messrs. Bonner, Teasley and Hubbard.

BILLS ON THIRD READING

The bill:

S. 49. To appropriate the sum of \$300.00 out of the general fund of the State to reimburse A. P. Smith for money collected from him through mistake or error.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute of said bill, to-wit:

Substitute:

A BILL

To be entitled an Act to appropriate the sum of \$250.00 out of the general fund of the State to reimburse A. P. Smith for money collected from him through mistake or error.

Whereas, A. P. Smith did, on the 13th day of January 1914 pay into the treasury of the State, the sum of \$120.00 under threat that it would dispossess him of certain 16th Section lands, and whereas the Supreme Court subsequently rendered an opinion holding that the owners of such lands were legally and rightfully in possession of same under former patents or deeds from the State, therefore

Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of the general fund of the State, the sum of \$250.00 for the relief of A. P. Smith, and refund to him said sum being \$120.00 principal amount, and \$130.00 interest from January 13, 1914. Said amount having been paid into the State Treasury by the said A. P. Smith by mistake or error.

Section 2. That the State Auditor is hereby directed to draw his warrant in the sum of \$250.00 payable to A. P. Smith in full settlement of said claim.

Section 3. All laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Which was adopted.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett
Bonner
Brown
Caffey
Cooper
Cowart

Craft
Darden
Delony
Duncan
Faulk
Garrett

Goodwin
Jordan
Mullins
Powell
Riddle
Scruggs

Shepherd
Teasley
Walker
Warren
Wikle

—23

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Fletcher	Mullins
Beasley	Darden	Garrett	Powell
Bonner	Delony	Goodwin	Scruggs
Brown	Duncan	Hubbard	Teasley
Caffey	Farmer	Jordan	Walker
Cooper	Faulk	Millsap	Wikle

—24

The bill:

S. 150. For the relief of A. M. McConnell, of Athens, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Goodwin	Scruggs
Brown	Darden	Hubbard	Shepherd
Caffey	Delony	Millsap	Walker
Cooper	Farmer	Mullins	Warren
Cowart	Garrett	Powell	Wikle

—20

The bill:

S. 177. For the relief of Joe Ferguson and to make an appropriation for the relief of Joe Ferguson who served in the State Militia during the year 1924, and while in the line of duty at Camp McClellan, Alabama at the annual encampment was accidentally shot through the left hand with a pistol which caused him great pain and expensive doctor bills, and the total loss of time for several months, together with a deformed hand for life; to create a Commission or Committee composed of the Governor, Attorney General and the Adjutant General of the State of Alabama to adjudicate his said claim and to pay him on the merits of the same from evidence that may be furnished in the form of affidavits and other reliable sources; and to provide that the amount of such compensation shall not exceed Twelve Hundred Dollars.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 17; nays, 2.

Yeas:

Messrs.:

Bartlett	Darden	Garrett	Millsap
Bonner	Delony	Goodwin	Scruggs
Brown	Duncan	Hubbard	Warren
Cowart	Faulk	Jordan	Wikle
Craft			

—17

Nays: Messrs. Caffey and Cooper

—2

The bill:

S. 186. For the relief of Mutual Oil Company, of DeKalb County, Alabama, to refund certain moneys erroneously or illegally collected from said company as money due the State of Alabama as Sales Tax or license on gasoline.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Jordan	Riddle
Bonner	Duncan	Lapsley	Scruggs
Brown	Edmundson	Millsap	Walker
Caffey	Farmer	Mullins	Warren
Cowart	Faulk	Powell	Wikle
Craft	Hubbard		

—22

The bill:

S. 190. To amend Section 22 of an Act, "Relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney busses, trailers used on the public highway of Alabama, and for the registration or license fee therefor, and to further provide for the revenue of the State of Alabama," said Act being No. 290, General Acts of Alabama, approved September 13, 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26, nays, 1.

Yeas:

Messrs.:

Bartlett	Darden	Hubbard	Scruggs
Bonner	Delony	Jordan	Shepherd
Brown	Farmer	Lapsley	Teasley
Caffey	Faulk	Millsap	Walker
Cooper	Fletcher	Mullins	Warren
Cowart	Garrett	Powell	Wikle
Craft	Goodwin		

—26

Nays: Mr. Duncan

—1

The bill:

S. 191. To amend Section 240 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21, nays, 0.

Yeas:

Messrs.:

Bartlett	Brown	Cooper	Craft
Bonner	Caffey	Cowart	Darden

Delony
Duncan
Farmer
Fletcher

Jordan
Lapsley
Millsap

Powell
Scruggs
Shepherd

Teasley
Warren
Wikle

—21

The bill:

H. 107. To amend Section 12 of an Act "Relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney busses and trailers used on the public highways of Alabama and for the registration or license fee therefor and to further provide for the revenue of the State of Alabama" approved September 13, 1923.

Was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for said bill to-wit:

Substitute for House Bill No. 107 by Mr. O'Neal:

A BILL

To be entitled an Act To amend Section 12 of an Act "Relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney busses and trailers used on the public highways of Alabama and paid for the registration or license fee therefor and to further provide for the revenue of the State of Alabama" approved September 13th, 1923.

Be it enacted by the Legislature of Alabama:

Section 1. That Section 12 of an Act "Relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney busses and trailers used on the public highways of Alabama and for the registration and license fee therefor and to further provide for the revenue of the State of Alabama" approved September 13, 1923, be amended so as to read as follows:

Section 12. "Automobiles." The following license tax or registration fee shall be charged on automobiles and motor cars kept for private use: (a) For each automobile not exceeding Twenty Five Hundred pounds in weight, Eleven Dollars and twenty five cents (\$11.25) (b) For each automobile weighing over twenty five hundred pounds but not exceeding three thousand pounds in weight, Sixteen Dollars seventy five cents, (\$16.75) (c) For each automobile weighing in excess of Three Thousand pounds but not exceeding Three Thousand Five Hundred pounds in weight, Nineteen Dollars and twenty-five cents, (\$19.25) (d) each automobile weighing over Three Thousand Five Hundred pounds but not over Four Thousand pounds in weight, Twenty Six Dollars and twenty five cents, (\$26.25), (e) On each automobile weighing in excess of four thousand pounds, Thirty Dollars (\$30.00). Such

license shall be based on the avoirdupois weight of the automobile provided, however, that where any automobile was manufactured in and weighed at the factory, the factory shipping weight shall be used in determining the license tax or registration fee to be charged. For each electric automobile other than trucks, Twenty Dollars, for each automobile propelled by steam, Twenty Five Dollars (\$25.00). For each motorcycle, Five Dollars (\$5.00), for each motorcycle with side car attachment, Seven Dollars and fifty cents (\$7.50). Provided, however, that the license tag for such automobile shall remain with the automobile for one tax year and provided that the license in this Act required to be paid shall not become delinquent until after the expiration of three days (3) from the date of the purchase of any motor vehicle.

Mr. Warren offered the following amendment to said substitute to-wit:

Amend substitute for H. B. No. 107 by adding at the end thereof the following section:

"SECTION 2. This act shall go into effect on April 1, 1932."

Which was adopted.

And said substitute as thus amended was then adopted.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Garrett	Riddle
Bonner	Darden	Hooton	Scruggs
Brown	Delony	Hubbard	Shepherd
Caffey	Duncan	Jordan	Walker
Cooper	Edmundson	Lapsley	Warren
Cowart	Fletcher	Powell	Wikle

—24

And said bill as thus amended, was read a third time at length and passed.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hooton	Riddle
Bonner	Delony	Hubbard	Scruggs
Brown	Edmundson	Jordan	Shepherd
Caffey	Fletcher	Lapsley	Walker
Cooper	Garrett	Millsap	Warren
Cowart	Goodwin	Powell	Wikle
Craft			

—25

The bill:

H. 192. To amend Group 6 of Section 3022, Article 2 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bonner	Duncan	Jordan	Scruggs
Caffey	Faulk	Lapsley	Shepherd
Cooper	Fletcher	Millsap	Walker
Cowart	Garrett	Powell	Warren
Darden	Goodwin	Riddle	Wikle
Delony	Hooton		

—22

CALENDAR BILL RE-COMMITTED

On motion of Mr. Jordan, the bill:

S. 146. To require corporations, companies, associations and reciprocal or Inter-insurance exchange before engaging in the business of writing casualty insurance in this State, to deposit approved securities, or bonds in lieu thereof, with the State Treasurer, in trust, as a guaranty of faithful performance of their policy obligations.

Was taken from to-days calendar and re-referred to the Standing Committee on Banking and Insurance.

BILLS ON THIRD READING RESUMED

H. 193. To provide for the exemption of blind persons from the payment of special privilege license in the State of Alabama, or any county or municipal sub-division of the State of Alabama; to provide the method for blind persons claiming such exemption; and to provide a penalty for the violation of this Act.

Was taken up.

The Committee on Finance and Taxation reported the following amendment to said bill, to-wit:

Amend Section 4 of said bill by adding at the end thereof the following:

"Provided, that such exemptions shall not exceed the sum of \$25.00 for State privilege license, \$25.00 for County privilege license, and City or Municipal privilege license \$25.00, during any year."

Which was adopted.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Riddle
Beasley	Duncan	Hubbard	Scruggs
Brown	Edmundson	Jordan	Shepherd
Caffey	Faulk	Lapsley	Walker
Cooper	Garrett	Millsap	Warren
Cowart	Goodwin	Powell	Wikle
Darden			

—25

And said bill as thus amended, was read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Jordan	Scruggs
Beasley	Delony	Lapsley	Shepherd
Brown	Duncan	Millsap	Walker
Caffey	Goodwin	Mullins	Warren
Cooper	Hooton	Powell	Wikle
Cowart	Hubbard	Riddle	

—23

The bill:

S. 195. To further regulate the distribution of funds of Building Loan Associations.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Brown	Duncan	Jordan	Scruggs
Caffey	Edmundson	Lapsley	Shepherd
Cooper	Fletcher	Millsap	Wikle
Cowart	Goodwin	Mullins	
Darden			

—20

The bill:

S. 126. To authorize the State Dock Commission to contract for workmen's compensation insurance for the benefit of its employees, and to pay therefor as a part of the expense of operating the State docks.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Goodwin	Millsap
Beasley	Delony	Hooton	Powell
Brown	Duncan	Hubbard	Scruggs
Caffey	Edmundson	Jordan	Walker
Cooper	Faulk	Lapsley	Warren
Cowart	Garrett	McDaniel	Wikle
Craft			

—25

The bill:

H. 202. To provide for the keeping in secrecy of the names and identities of persons drawn or summoned for jury service in Circuit Courts in counties having a population of 300,000 or more according to the last or any future Federal census, and to prescribe penalties and punishments for violations of the provisions of this Act.

Was read a third time at length and passed.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden			

—33

The bill:

S. 184. To abolish the office of County Solicitor of Coosa County, Alabama, and to create in lieu thereof the office of County Attorney; to define the qualifications and duties of County Attorney of Coosa County, Alabama; to provide for his election or appointment; to provide for the salary of the County Attorney and the manner of paying the same; to prescribe his term of office and for his removal from office and for the filling of the vacancy in said office.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden			

—33

The bill:

H. 335. To regulate the issue of garnishment by Justice of the Peace and Notaries Public, with the same jurisdiction and powers of a Justice of the Peace, and proceedings thereon when a demand owing for, or on account of, personal services rendered or to be rendered by the defendant is sought to be subjected by process of garnishment in the County of Colbert.

Was read a third time at length and passed.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett	Cowart	Farmer	Hubbard
Beasley	Craft	Faulk	Jordan
Bonner	Darden	Fletcher	Kelley
Brown	Delony	Garrett	Lapsley
Caffey	Duncan	Goodwin	McDaniel
Cooper	Edmundson	Hooton	Millsap

Mullins	Scruggs	Teasley	Warren
Powell	Shepherd	Walker	Wikle
Riddle			

—33

The bill:

H. 451. To confirm, ratify, validate, make legal, effective and binding two certain interest bearing warrants, number 6 and 7, issued by the Commissioner's Court of Jackson County, Alabama, as follows: No. 6, issued August 31, 1925, to L. R. Onsby, in the sum of Five Hundred Dollars (\$500.00), payable December 15, 1925, with interest at 6% from date; No. 7, issued September 2, 1925 to Mrs. L. R. Onsby, in the sum of One Thousand Dollars (\$1,000.00), payable December 31, 1925, with interest at 6% from date; and to ratify, confirm, validate, and make legal, effective and binding all interest payments heretofore made on said warrants from their date of issue to December 31, 1931; to provide for the payment of said warrants and the accrued interest; to require and direct the Treasurer or County Depository of Jackson County to recognize and pay said warrants as hereinafter provided.

Was read a third time at length and passed.

Yeas, 33; nays, 0.

Yeas:

Messrs.:			
Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden			

—33

The bill:

H. 339. To abolish the office of Deputy Solicitor of Butler County, Alabama, to fix the time when such office shall be abolished and to provide that such bill shall not affect any general, special or local laws except as herein provided for.

Was read a third time at length and passed.

Yeas, 33; nays, 0.

Yeas:

Messrs.:			
Bartlett	Edmundson	Millsap	Powell
Beasley	Farmer	Mullins	Riddle
Bonner	Faulk	Jordan	Scruggs
Brown	Fletcher	Hubbard	Shepherd
Caffey	Garrett	Hooton	Teasley
Cooper	Goodwin	Delony	Walker
Cowart	Lapsley	Kelley	Warren
Craft	McDaniel	Duncan	Wikle
Darden			

—33

The bill:

H. 340. To create the office of County Solicitor of Butler County, Alabama, to provide for the election of such officer by the qualified voters of said county, to prescribe his powers, duties and qualifications, provide for his compensation, fix the term of his office, provide for his election, the time of the election of his successor and to repeal all general and local laws in conflict herewith so far as they relate to said county.

Was read a third time at length and passed.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden			

—33

The bill:

H. 254. To repeal an Act entitled: "To create official state grades for strawberries and prescribe the marking of containers therefor, and to provide penalties for the violation of this Act," approved July 30, 1931.

Was read a third time at length and passed.

Yeas, 21; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Faulk	Lapsley
Beasley	Darden	Garrett	Millsap
Brown	Delony	Goodwin	Scruggs
Caffey	Duncan	Hooton	Warren
Cooper	Edmundson	Hubbard	Wikle
Cowart			

—21

The bill:

S. 179. To fix the minimum school age at which children may enter public schools.

Was taken up.

The Standing Committee on Education reported the following amendment to said bill, to-wit:

Amend Senate Bill No. 179 by adding at the end of Section 1 thereof, the following words:

"Provided, that this Act shall not apply to children entering school during the year of 1932."

Which was adopted.

Yeas, 17; nays, 7.

Yeas:

Messrs.:			
Bartlett	Farmer	Jordan	Shepherd
Beasley	Faulk	Lapsley	Walker
Bonner	Fletcher	Powell	Warren
Cowart	Hubbard	Scruggs	Wikle
Darden			

—17

Nays:

Messrs.:			
Brown	Duncan	Goodwin	Riddle
Caffey	Garrett	Hooton	

— 7

Mr. Delony offered the following amendment to said bill, to-wit:

Amend Section One at line two by striking out the words and figures "July 1st," and inserting in lieu thereof "September 1st."

On motion of Mr. Warren, said amendment was laid on the table.

Yeas, 12; nays, 11.

Yeas:

Messrs.:			
Beasley	Cowart	Hubbard	Walker
Bonner	Faulk	Lapsley	Warren
Cooper	Fletcher	Powell	Wikle

—12

Nays:

Messrs.:			
Bartlett	Delony	Garrett	Millsap
Caffey	Duncan	Goodwin	Riddle
Darden	Farmer	Hooton	

—11

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 15; nays, 7.

Yeas:

Messrs.:			
Beasley	Darden	Lapsley	Walker
Bonner	Faulk	Millsap	Warren
Cooper	Fletcher	Powell	Wikle
Cowart	Hubbard	Shepherd	

—15

Nays:

Messrs.:			
Bartlett	Delony	Farmer	Riddle
Caffey	Duncan	Hooton	

— 7

The bill:

H. 24. To make it unlawful for any official of the State of Alabama having the custody of, or in any manner connected with the handling, or having the authority to direct the uses of any of the public school funds arising under the provisions of Sections 257, 258, 259 and 260 of the Constitution of Alabama, to divert or permit to be diverted or to use or permit the use of, said funds or any part thereof, except for the uses and purposes as set out in said sections

of the Constitution and to fix and prescribe penalties for the violation thereof.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hooton	Scruggs
Beasley	Delony	Hubbard	Teasley
Bonner	Duncan	Jordan	Walker
Brown	Farmer	Lapsley	Warren
Caffey	Faulk	Powell	Wikle
Cooper	Garrett		

—22

The bill:

S. 140. To amend Section 92 of Article 6 of the Alabama School Code.

Was taken up.

The Standing Committee on Education reported the following amendment to said bill, to-wit:

Amend Senate Bill 140 by striking out the words:

"And five cents per mile in traveling to and from their homes in", where the same appear together in said bill, and substitute therefor the word: "for".

Further amend said bill by striking therefrom the words: "and mileage" where the same appear together in said bill.

Which was adopted.

Yeas, 19; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Scruggs
Beasley	Duncan	Hubbard	Walker
Cooper	Farmer	Jordan	Warren
Cowart	Faulk	Millsap	Wikle
Darden	Goodwin	Powell	

—19

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Scruggs
Beasley	Farmer	Jordan	Shepherd
Bonner	Faulk	Lapsley	Walker
Caffey	Garrett	Millsap	Warren
Cowart	Goodwin	Powell	Wikle
Darden	Hooton		

—22

The bill:

H. 430. To provide for the employment of a Matron at the Mobile County Jail, to fix her duties, provide for her compensa-

tion and payment of same out of the County Treasury and to provide that all laws and parts of laws in conflict with the provisions of this Act are hereby repealed and to provide that this Act shall take effect immediately upon its passage and approval.

Was read a third time at length and passed.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden			

—33

The bill:

H. 432. To authorize, empower and direct the Board of Revenue and Road Commissioners of Mobile County, Alabama, and the Treasurer of said County to pay out of the funds of said County to the persons who served as officers of the Court of Domestic Relations of Mobile County, organized under an Act of the 1931 Legislature of Alabama, which was subsequently declared unconstitutional, the salaries each of them would have been paid under the terms of said Act for the time each of said persons served under same, namely from August seventeenth, nineteen thirty-one, to November sixth, nineteen thirty-one, for which services they have not been compensated, and to provide that said payments be made in the same manner and order and out of the same funds as expenses of the Courts are paid.

Was read a third time at length and passed.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden			

—33

The bill:

H. 431. To provide that in Mobile County, Alabama, the salary of the Jail Matron, of the Jail Guards, and of Traffic Officers, shall be preferred claims against the County of Mobile, having the same priority as the salary of members of Boards of Revenue and Road

Commissioners or like governing body in said county; to repeal all laws and parts of laws in conflict with this Act and to provide that this Act shall take effect immediately upon its passage and approval.

Was read a third time at length and passed.

Yeas, 33; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Hubbard	Riddle
Bonner	Edmundson	Jordan	Scruggs
Brown	Farmer	Kelley	Shepherd
Caffey	Faulk	Lapsley	Teasley
Cooper	Fletcher	McDaniel	Walker
Cowart	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden			

—33

The bill:

H. 98. To declare it unlawful to name, call or designate any building, bridge, or other structure or any institution, constructed, erected, maintained or financed, in whole or in part by the State of Alabama after any person whomsoever then living; provided the Act shall not apply to buildings, bridges, or other structures or institutions now existing.

Was read a third time at length and passed.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Garrett	Millsap
Beasley	Delony	Goodwin	Powell
Bonner	Duncan	Hooton	Riddle
Brown	Edmundson	Hubbard	Scruggs
Cooper	Farmer	Jordan	Shepherd
Craft	Faulk	Lapsley	Warren

—24

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 21. To provide for a consolidation of certain revenues collected by the State Department of Game and Fisheries into one fund to be known as the Game and Fish Fund, and provide for the use of said fund. To provide for the paying of certain revenues to counties and to provide penalties for violation of the Act.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Beasley, the Senate concurred in the following amendment by the House to S. 21, the title of which is set out in the foregoing message from the House, to-wit:

To amend Senate Bill 21 by striking out Section 4 of said Senate Bill 21.

Amend S. 21 by striking from the Caption of said Bill immediately after the first sentence in said Caption the following:

"To provide for the paying of certain revenues to counties".

Amend Section 3 of S. 21 by adding between the words "licenses" and "permits" where the said words first appear in said Section the following words:

"fines from game and fish violations."

Amend S. 21 by adding after Section 3 of said Bill a Section No. 4 as follows:

Section 4. All revenues in the Game and Fish Protection Fund and in the Fish Hatchery Fund on September 30, 1932 shall be covered into the Game and Fish Fund herein provided, which revenue shall be spent as is now provided by law.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Cowart	Faulk	Riddle
Beasley	Craft	Garrett	Scruggs
Bonner	Darden	Hubbard	Shepherd
Brown	Delony	Jordan	Warren
Caffey	Duncan	Lapsley	Wikle
Cooper	Farmer	Powell	

—23

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment: By Mr. Green:

H. 313. To grant the right and privilege to any regularly and duly licensed broadcasting station or company operating within the State of Alabama to broadcast by radio all athletic contests or games staged by or sponsored by or participated in, within the State of Alabama, by any educational institution located within the State of Alabama, and which derives or receives any financial aid, support or contribution from the State of Alabama or any political subdivision or agency thereof; and to make it unlawful for any executive officer, board of trustees, or any person acting on behalf of any such educational institution to refuse or prohibit such right or privilege to any such broadcasting company or station.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee as follows:

H. 313, to the Committee on Revision of Laws.

RECESS

At 12:45 P. M. on motion of Mr. Powell, the Senate took a recess until 3:30 o'clock this afternoon.

AFTERNOON SESSION—TWENTIETH DAY

Thursday, October 6th, 1932

The Senate re-assembled at 3:30 o'clock P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Present:

Messrs.:			
Bartlett	Delony	Hooton	Riddie
Beasley	Duncan	Hubbard	Scruggs
Bonner	Edmundson	Jordan	Shepherd
Brown	Farmer	Kelley	Teasley
Caffey	Faulk	Lapsley	Walker
Cooper	Fletcher	McDaniel	Warren
Craft	Garrett	Millsap	Wikle
Darden	Goodwin	Powell	

—31

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Edmundson:

S. 214. To amend Sections twelve and sixteen of an act entitled, "An act relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney busses, trailers used on the public highways of Alabama, and for the registration or license fee therefor, and to further provide for the revenue of the State of Alabama, approved September 13, 1923."

Committee on Finance and Taxation.

By Mr. Hooton:

S. 215. To amend Section 9 of an act entitled, "An act in reference to and to further provide for the general revenue of the State of Alabama," Approved July 22nd, 1927.

Committee on Finance and Taxation.

By Mr. Hooton:

S. 216. To amend Section 8 of an act entitled "An act in reference to and to further provide for the general revenue of the State of Alabama," approved July 22nd, 1927.

Committee on Finance and Taxation.

REPORT FROM RULES COMMITTEE

Mr. Powell, chairman of Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 68. Requesting the opinion of the Justices of the Supreme Court upon the Constitutionality of House Bill 1039, printed on Page 653 of the General Acts of 1927 and the amendment thereof, being Senate Bill 128 on page 244 of the Acts of 1931.

And on motion of Mr. Craft, said report was concurred in and the resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:
By Mr. Coats:

H. 131. For the relief of William H. Winston and Estella Winston both of Clarke County, Alabama, whose son Percy Winston was killed by a crazed inmate of the Alabama insane hospital at Mt. Vernon, Alabama, while the said Percy Winston was in the discharge of his duties as an employee of the State of Alabama at said hospital.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced at the next session of the Legislature of Alabama, either regular or special, for the relief of William H. Winston and Estella Winston, both of Clarke County, Alabama, and father and mother respectively of Percy Winston, the said Percy Winston having been killed at Mount Vernon, Alabama, by a crazed inmate of the Insane Asylum at that place, the said Percy Winston being at the time in the line of his duty as an employee of said institution, it being an institution of the State of Alabama for the treatment of the insane, said appropriation to be in the sum of \$3,000.00, the said Percy Winston having no other legal heirs.

WILLIAM H. WINSTON,
ESTELLA WINSTON.

The State of Alabama, }
Clarke County. }

Before me, Paul S. Jones, a Notary Public in and for said State and County, appeared G. A. Carleton, publisher of the Clarke County Democrat, who, being sworn, states that the attached notice was published in said

newspaper in its issues of March 17, 24, 31, 1932.

G. A. CARLETON.

Sworn to and subscribed before me this 22nd day of August, 1932.

PAUL S. JONES,

(Seal)

Notary Public.

Also:

By Mr. Fite:

H. 245. To amend Section 5270 of the Code of Alabama.

Also:

By Mr. Fite:

H. 246. To amend Section 3615 of the Code of Alabama.

Also:

By Mr. Fite:

H. 247. To amend Section 5268 of the Code of Alabama.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate Standing Committees as follows:

H. 131, to the Committee on Finance and Taxation.

H. B's. 245, 246 and 247 to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:
By Mr. Goodwyn:

H. 329. To permit certain amusements, recreations and entertainments to be furnished and engaged in on Sunday in cities of sixty thousand or more population according to the last or any succeeding Federal census, and to provide a method whereby such amusements and recreations on Sunday may be prohibited in such cities, and to repeal all laws and parts of laws in conflict with the provisions of this Act.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee as follows:

H. 329, to the Committee on Banking and Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying Message from his Excellency, the Governor, with his objections to and veto of the bill:

H. 71. To regulate the manufacture for sale, the transportation, sale and possession of cereal beverages, in which hops, malt, or other light ingredients are used, containing not more than one-half of one per cent alcohol.

Said Governor's Message containing his objections to and veto of said bill, H. 71, being in words and figures as follows, to-wit:

To the Legislature of Alabama,
Montgomery, Alabama.

Gentlemen:

I am herewith returning to the House of Representatives, the body in which it originated, House Bill No. 71, without my approval.

The Legislature in 1915, Section 4615 of Code, 1923 declared:

"All drinks or beverages made in imitation of or intended as a substitute for beer, and any drink or liquid made or used for beverage purposes, containing any alcohol shall be deemed an alcoholic liquor within the meaning of the term prohibited liquors or beverages as defined in this article in connection with the existing prohibition laws of Alabama."

This proposed statute is intended to and does repeal and destroy that valuable law for enforcing the prohibition statutes of Alabama.

Again in Section 4650 of the Code 1923 the Legislature adopted this rule of evidence:

"It shall be competent for the State to give in evidence the fact that the beverage which the evidence may tend to show the defendant manufactured or sold * * * possesses the same color, odor and general appearance or the same taste, color and general appearance of a prohibited beverage such as beer or prohibited beverage, and the fact that the beverage in question as above stated is of the same color, odor and general appearance or same taste, color or general appearance as beer, shall constitute prima facie evidence that the beverage is a beer within the inhibition of the Statute of this State for the suppression of intemperance."

This valuable rule will be repealed and abolished by this proposed **Near Beer Bill**, if approved. It, if approved, will have a strong tendency to encourage the violation of the prohibition statutes and render their enforcement practically impossible as to beer.

The power to enforce the prohibition statutes in Alabama is splendid and should not be weakened as this bill permits. We have had no beer problems in Alabama. This bill may bring beer troubles and beer problems.

It is true an enabling bill will provide revenue for schools if near beer is permitted to be sold. The schools are in dire distress for funds. There are many other ways by which necessary revenue for them can be raised by levies on property escaping taxation. This way, a breaking down of our prohibition statutes, should not be permitted even for school purposes. Many thousand parents are conscientiously opposed to educational relief in that form, from that source.

In the 1930 Democratic gubernatorial primary, no candidate, within my knowledge, advocated a change in the prohibition statutes. My platform stated:

"Personally and politically, prohibition is favored by me. Whether in or out of office my ideas of prohibition are the same. It is 'no experiment.' It

is permanently fixed in our National Constitution and State Statutes. Its enforcement is as easy as any other criminal statute."

My prohibition views were known to the Democrats of Alabama. They nominated and elected me with that knowledge and on that platform.

This bill drives a wedge into our prohibition statutes with destructive force, which in my opinion, should not be permitted.

Hence this my veto to House Bill No. 71 which I hope will meet with your approval.

Respectfully,

B. M. MILLER,
Governor.

October 6, 1932.

And the House has reconsidered and again passed said bill, H. 71, the Governor's veto to the contrary notwithstanding, by a vote of a majority of the whole number elected to the House; said vote being: Yeas, 64; nays, 30.

And said bill, together with the Governor's message, containing his objections to, and veto of, said bill, are sent herewith to the Senate for its consideration.

J. H. Stewart,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Teasley, the Senate reconsidered and again passed the bill, H. 71, the title of which is set out in the foregoing message from the House, the Governor's veto to the contrary notwithstanding.

Yeas, 21; nays, 10.

Yeas.

Messrs.:

Brown	Fletcher	Kelley	Scruggs
Cowart	Garrett	Lapsley	Shepherd
Craft	Goodwin	McDaniel	Teasley
Duncan	Hubbard	Millsap	Warren
Edmundson	Jordan	Powell	Wikle
Farmer			

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Nays:

Messrs.:

Bartlett	Cooper	Faulk	Riddle
Beasley	Darden	Hooton	Walker
Bonner	Delony		

—10

Which was a majority of the whole number elected to the Senate.

PAIR ANNOUNCED

Mr. Caffey announced that he and Mr. Mullins were paired on this vote; that Mr. Mullins, if present, would vote yea, and he, Mr. Caffey, would vote nay.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 21. To provide for a consolidation of certain revenues collected by the State Department of Game and Fisheries into one fund to be known as the Game and Fish Fund, and provide for the use of said fund. And to provide penalties for violation of the Act.

T. A. Goodwin,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report of Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following bills:

By Mr. O'Neal:

H. 107. To amend Section 12 of an Act "Relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney busses and trailers used on the public highways of Alabama and paid for the registration or license fee therefor and to further provide for the revenue of the State of Alabama", approved September 13, 1923.

Also:

By Mr. Morrow:

H. 193. To provide for the exemption of blind persons from the payment of special privilege license in the State of Alabama, or any county or municipal sub-division of the State of Alabama; to provide the method for blind persons claiming such exemption; and to provide a penalty for the violation of this Act.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:
By Mr. Stokes:

H. 12. To provide for the levy, assessment, payment and collection of an excise tax for the privilege of engaging in the State of Alabama in the business of banking and of conducting a financial business employing moneyed capital coming into competition with the business of National Banks, to provide for the making of returns for assessment of said tax, to prescribe the rate of such tax and the privileges and exemption secured by its payment, to provide for the distribution of the proceeds of such tax to the State and to the several counties and municipalities of the State, penalties for failure to make such returns and for failure to pay said tax, and to exempt moneyed capital so employed and shares of corporations and associations which return and pay said excise tax from ad valorem taxation.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee as follows:

H. 12, to the Committee on Finance and Taxation.

COMMITTEE APPOINTMENT

The Lieutenant-Governor and presiding officer of the Senate announced the appointment of Mr. Shepherd as an additional member of the Standing Committee on Finance and Taxation.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twentieth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and, on motion of Mr. Farmer, same was concurred in and the Journal of the Senate for the Twentieth Legislative Day, approved.

ADJOURNMENT

At 4 P. M., on motion of Mr. Beasley, the Senate adjourned until 11 o'clock tomorrow morning.

 TWENTY-FIRST DAY

Friday, October 7th, 1932.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill, presiding.

PRAYER

By Dr. C. A. Rush, Pastor of the Perry Street Methodist Church of Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:			
Bartlett	Darden	Goodwin	Powell
Beasley	Delony	Hooton	Riddle
Bonner	Duncan	Hubbard	Scruggs
Brown	Edmundson	Jordan	Shepherd
Caffey	Farmer	Kelley	Teasley
Cooper	Faulk	Lapsley	Walker
Cowart	Fletcher	Millsap	Warren
Craft	Garrett	Mullins	Wikle

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JOURNAL

On motion of Mr. Teasley, reading of the Journal of yesterday was dispensed with and same approved.

LEAVES OF ABSENCE

On motion of Mr. Darden, leave of absence was granted Mr. Hildreth for today.

On motion of Mr. Shepherd, leave of absence was granted Mr. McDaniel for today.

On motion of Mr. Powell, leave of absence was granted Mr. McDowell for today.

INTRODUCTION OF BILLS

Upon a call of districts bill were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Lapsley:

S. 217. To authorize and provide for the payment of a sum not to exceed Six Hundred Dollars for the relief of Mims Russell, as administrator of the estate of Lewis Bennett, deceased, formerly of Safford, Dallas County, Alabama, who was killed during the month of November, 1930, as a result of being run over or against by a State Highway Department truck, the property of the State of Alabama.

Committee on Finance and Taxation.

By Mr. Darden:

S. 218. To abolish the Commissioners' Court of Coosa County, Alabama, and to create in lieu thereof a County Board of Revenue to consist of four members; to provide for the election or appointment of the Members of the Board of Revenue and to define their terms of office; to prescribe their qualifications and to define their duties and limit their powers; to provide for their compensation and to provide for the manner of paying the same; to provide that Members of the Board of Revenue of Coosa County, Alabama, shall execute a good and solvent bond for the faithful discharge of the duties of their offices before entering upon the duties thereof in the sum of Three Thousand Dollars; to make said Board of Revenue of Coosa County, Alabama, a Court of Record when passing upon judicial matters, and to prohibit executive or closed sessions of the Board of Revenue of said County; to require the Board of Revenue of Coosa County, Alabama, to purchase all motor fuels and oils and machinery for the county and all other supplies and material for the county from the lowest responsible bidder, and to provide that Board of Revenue of Coosa County, Alabama, shall be governed by all local and general laws not in conflict with the provisions of this Act.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

To Whom It May Concern:

Notice is hereby given that a local bill for Coosa County will be introduced at the special session of the Legislature, commencing August 16th, 1932, the substance of which local bill will be as follows:

To Abolish the Commissioners Court of Coosa County, Alabama, and to establish and create in lieu thereof Board of Revenue for Coosa County, Alabama; to define the number on said board, prescribe their qualifications, to provide for their nomination and election, to prescribe their remuneration and define the duties and limit the powers of the Board of Revenue of Coosa County, Alabama, and to provide that the members of said Board of Revenue of Coosa County shall execute a \$3,000.00 bond before entering upon their duties for the faithful discharge of their duties; to make said Board of Revenue a Court of Record, and to prohibit executive sessions; to require said Board of Revenue to buy all motor fuel and oils and machinery and other supplies for the county from the lowest responsible bidder; and to provide that the Board of Revenue for Coosa County shall be governed by all local and general laws not in conflict with the provisions of this Act.

FELIX L. SMITH,
Representative from Coosa County.

State of Alabama, }
 Chilton County }

Before me, the undersigned notary public in and for said State and County, personally appeared Billy Smith, who being duly sworn, states that he is the Publisher of The Rockford Chronicle, a newspaper published at Rockford, in Coosa County and in said State, and that the attached Notice of Local Bill was published in said newspaper for four consecutive issues, dated August 25, 1932; September 1, 1932; September 8, 1932 and September 15th, 1932.

BILLY SMITH,
 Publisher.

Sworn and subscribed to before me, this the 6th day of October, 1932.

E. C. LAMB,
 Notary Public.

By Mr. Darden:

S. 219. To provide one chief deputy sheriff of Coosa County, Alabama; to fix his salary, payable out of the general funds in equal monthly payments on warrants to be drawn by the Probate Judge on the general funds of the county which shall constitute a preferred claim against the general funds of the county; to require the chief deputy sheriff to reside at Rockford and to be under the direct supervision of the Sheriff of the Coosa County, Ala., and to require the Chief deputy sheriff to execute a bond payable to and approved by the Sheriff of the County for the faithful performance of his duties as chief deputy sheriff of Coosa County, Ala.
 Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF A LOCAL BILL

To Whom It May Concern:

Notice is hereby given that a local bill for Coosa County, Alabama, will be introduced at the Special or Extraordinary Session of the Alabama Legislature, the substance of which local bill will be as follows:

A BILL TO BE ENTITLED AN ACT

To allow the Sheriff of Coosa County, Alabama, A Deputy Sheriff, To fix the Salary of Said Deputy Sheriff, and make the same payable out of the General Funds of said County, in monthly installment—Said Deputy Sheriff to be located at the Court House of said County, making him eligible to perform the duties of Deputy Sheriff anywhere in said County. Also requiring said Sheriff to keep said Deputy Sheriff or someone in his place at the office of the Sheriff of said County at least one-half of each day for the purpose of approving bonds of persons confined in the County Jail.

FELIX L. SMITH,
 Representative, Coosa County, Alabama.

State of Alabama }
 Chilton County }

Before be, the undersigned notary public in and for said State and County, personally appeared Billy Smith, who being duly sworn states that he is the Publisher of the Rockford Chronicle, a newspaper published weekly at Rockford, in Coosa County, in said state, and that the attached Notice of Local

Bill was published in said newspaper for four consecutive issues, dated August 18, 1932; August 25, 1932; September 1, 1932; and September 8, 1932.

BILLY SMITH,
Publisher.

Sworn and subscribed to before me this the 6th day of October, 1932.

E. C. LAMB,
Notary Public.

By Mr. Darden:

S. 220. To regulate the operation of trucks and other vehicles on the highways so as to better protect, or, prevent the injuring and the killing of, school children, pupils or students, while being transported to and from school on school busses, and to provide penalties for violating the provisions of the act.

Committee on Judiciary.

By Mr. Craft:

S. 221. To establish a commission in counties of this State having a population of not less than one hundred thousand nor more than three hundred thousand inhabitants according to the last or any subsequent Federal census, to actively co-operate with the State Board of Agriculture for the encouragement and improvement of the live stock and agricultural resources of the State through speed contests and exhibitions at County Fairs in such counties, and to further actively co-operate with the United States Government in the production of horses and mules fit for army use; to prescribe the powers, duties and qualifications of such commission; to provide that the commission may authorize speed contests and permit corporations or associations to conduct mutual or co-operative pools; to provide for licenses, and to provide that a reasonable sum or per centage may be deducted to provide for the expenses of the commission and to provide suitable stakes and purses for such contests, and to repeal all laws and parts of laws in conflict therewith.

Committee on Aviation and Traffic Regulations.

REPORTS OF COMMITTEES

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kelly:

S. 61. To amend Section 3040, of Article 4, of Chapter 58, of the Alabama Code of 1923.

By Mr. Kelly:

S. 62. To amend Section 3048, of Article 5, of Chapter 58, of the Alabama Code of 1923.

Mr. Edmundson, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Jordan (with Amendment):

S. 146. To require corporations, companies, associations and reciprocal or Inter-insurance exchanges before engaging in the business of writing casualty insurance in this State, to deposit approved securities, or bonds in lieu thereof, with the State Treasurer, in trust, as a guaranty of faithful performance to their policy obligations.

By Mr. Goodwyn (with Amendment):

H. 329. To permit certain amusements, recreations and entertainments to be furnished and engaged in on Sunday in cities of sixty thousand or more population according to the last or any succeeding Federal census, and to provide a method whereby such amusements and recreations on Sunday may be prohibited in such cities, and to repeal all laws and parts of laws in conflict with the provisions of this Act.

By Mr. Warren:

S. 20. To repeal that certain Act printed on page 394 of General Acts of Alabama of 1931, and approved July 2, 1931, entitled "An Act to amend an Act entitled an Act to define the business of burial companies, associations and societies; to provide for the better regulation of such companies, associations and societies, and to fix a standard of solvency for such companies, associations, and societies, and to provide penalties for violation of this Act, approved July 29, 1927.

By Mr. Edmundson (with Notice and Proof):

S. 206. To establish an Inferior Court for all precincts lying within or partly within the City of Birmingham, Alabama, said court to be in lieu of all Justices of the Peace, notaries public with powers of Justices of the Peace and all other Inferior Courts created in lieu of Justices of the Peace in said territory prior to the effective date of this act except such courts as have criminal jurisdiction only and as otherwise limited by the terms of this act, to define the jurisdiction and powers of said courts and the officers thereof; to provide for the election of the officers of said court; to provide for the election and selection of the officers of said court; to fix their term of office; to fix the compensation of said officers and the method of paying the same; to provide the procedure in said court and to fix the method of service of all processes therefrom; to create and designate the officials to serve the processes issued from said court and to provide the compensation therefor, to designate the officers of said court and define their powers and duties; to provide for the establishment, maintenance, jurisdiction and pow-

ers of different branches of said court and branch offices thereof to abolish in said city all Inferior Courts heretofore created in lieu of Justices of the Peace in and for all precincts lying within or partly within the City of Birmingham, except such courts as may have criminal jurisdiction only and as otherwise limited by the terms of this act, and to provide for the transfer of such pending cases from such abolished courts to the courts hereby established. By Mr. Edmundson (with Notice and Proof):

S. 207. To provide and create a Commission form of Municipal Government for the City of Bessemer, Jefferson County, Alabama; to abolish the offices of Mayor and Alderman and otherwise provide for the creation and maintenance of said Commission form of Government; To provide for the selection and election of a chairman and two associate commissioners in lieu of Mayor and Alderman; and to fix and prescribe their terms of office, to fix and define their powers, duties and compensation; to punish improper conduct in connection with the elections and petitions hereunder; to prescribe limitations and qualifications of officers and employees, and penalties for the violation of the provisions of this act, and to fix and prescribe the date that said Act shall become effective and be in force and effect; to fix and define the qualifications of said Commissioners.

By Mr. Edmundson:

S. 205. To amend the title and body of an Act approved May 27th, 1931, and entitled "An Act to abolish the office of Coroner in all Counties in this State having a population of three hundred thousand (300,000) or more, according to the last or any subsequent Federal Census and to require the County Commission in all such Counties to perform the duties now or which may hereafter be by law required of Coroners in this State; and to invest such County Commissions with all the rights and powers of such Coroners."

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Taylor (with Notice and Proof):

H. 487. To provide for the employment of four prison guards for the Mobile County jail by the Sheriff of Mobile County to perform such duties at the jail as may be assigned to them by the Sheriff; to fix their compensation and provide for payment of same out of the County Treasury and to provide that all laws, general, local, or private, and all parts of any such laws in conflict with the provisions of this Act are hereby repealed; and to provide that this Act shall take effect immediately upon its passage and approval.

By Mr. Taylor (with Notice and Proof):

H. 489. To amend Section 14 of an Act approved February 23rd, 1899, entitled "An Act to establish an Inferior Criminal Court in the County of Mobile," as amended by an Act approved February 21st, 1907, entitled "An Act to amend Sections two (2), three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), thirteen (13), and fourteen (14), of an Act entitled an Act to establish an Inferior Criminal Court in the County of Mobile approved February 23rd, 1899," and further amended by an Act approved August 26, 1927, entitled, "An Act to amend Sections 4 and 9 of an Act entitled an Act to amend Sections two (2), three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), thirteen (13) and fourteen (14) of an Act entitled an Act to establish an Inferior Criminal Court in the County of Mobile, Alabama, approved February 23rd, 1899—approved February 21st, 1907," so as to provide that the Sheriff, as compensation for the services required of him and for furnishing the Bailiff shall receive and be paid the same fees prescribed for the Sheriff by the General Law for the performance of such services.

By Mr. Taylor (with Notice and Proof):

H. 488. To provide for the employment of not exceeding three road patrolmen for Mobile County by the Sheriff; to define their duties and to vest in such patrolmen the authority and duties of Deputy Sheriffs; to fix their compensation and to provide for the payment of same out of the General Funds of the County as the salaries of other county employees are paid; to provide that such patrolmen shall hold office at the will of the Sheriff appointing them but not beyond the expiration of his term; to provide that the Board of County Commissioners; the Board of Revenue and Road Commissioners or other like governing body in Mobile County is hereby directed and authorized to purchase automobiles and other equipment including supplies such as gasoline, oils, greases, tools and other apparatus necessary in the operation and maintenance of such automobiles or other equipment, as may be requisitioned by the Sheriff for the use of the patrolmen appointed and employed under the provisions of this Act and to keep such automobiles and other equipment in proper repair; to provide that all laws and parts of laws, general, local, private or special, in conflict with the provisions of this Act be and the same are hereby repealed, and to provide that this Act shall take effect immediately upon its passage and approval.

By Mr. Wallace of Russell (with Notice and Proof):

H. 296. To establish a County Commission for Russell County, to provide for the appointment and election of the members thereof and prescribe their duties and powers, to provide for a Chairman of said Commission and fix his duties and powers; and fix their compensation; to divide the County of Russell into three (3) Coun-

ty Commission districts, and abolish the Board of Roads and Revenue, and to repeal all conflicting laws, general, local and special. By Mr. Manasco (with Notice and Proof):

H. 389. To provide that there be established and maintained by Walker County, Alabama, a witness fund out of which the costs and fees due parties appearing as State witnesses in the county court, circuit court and before the grand jury of Walker County in criminal cases shall be paid; to provide that one-half of all monies collected in criminal cases from fine and forfeitures in Walker County wherein the State of Alabama is plaintiff, be paid into said fund; to provide that all sums of money collected as witness fees for the per diem and mileage and from court due witnesses appearing for the State in said County be paid into said witness fund; to provide that on the first Monday in January of each year that there be paid from the general fund of Walker County into said witness fund, a sum not to exceed \$5,000.00; to provide for what purposes said witness fund is to be used; to provide that the costs and fees of all State witnesses who are entitled to their per diem and mileage for their attendance in criminal cases in the County Court, Circuit Court, and attendance before the Grand Juries of Walker County, Alabama be paid out of said witness fund; to provide how and by whom witness claims are to be authenticated, and how and by whom they are to be paid, and; to provide for the disposition of any surplus in excess of \$1,000.00 that may exist at the end of the calendar year.

Mr. Bartlett, Chairman of the Standing Committee on Printing, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Warren:

S. 213. To amend Section 1 of an act entitled "An Act to amend Sections 2927 and 2929 of the 1923 Code of Alabama, (approved March 5, 1931)".

By Mr. Warren:

S. 212. To amend Section 2916 of the Code of Alabama of 1923.

Mr. Powell, Acting Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Shepherd (with Notice and Proof):

H. 418. To repeal an Act entitled an Act "To provide for the payment of an expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense shall be

paid out of the County treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit" said Act having been approved on the 12th day of September, 1923.

ADVERSE REPORT

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was placed on the adverse calendar, to-wit:

By Mr. Teasley:

S. 188. To provide for the expenses incurred by members of the Legislature of Alabama while in attendance upon sessions of the Legislature.

RESOLUTION

Mr. Jordan offered the following joint resolution:

S. J. R. 73. Resolved by the Senate, the House concurring, that when the two houses adjourn to-day, they adjourn to meet Tuesday, October 11th, 1932, at 11 o'clock.

And on motion of Mr. Jordan, the rules were suspended and the Resolution was adopted.

NOTICE

Mr. Bonner gave to the Senate the following notice in writing:

"Notice is hereby given that on the next Legislative day, I will move to take Senate Bill No. 188 from the adverse calendar and that said bill may be read a second time and placed on the Senate Calendar for passage."

J. M. Bonner,

Senator 22nd Senatorial District.

MESSAGE FROM THE HOUSE

Mr. President:

In accordance with the request of the Senate, I am directed by the House to return herewith to the Senate, the opinion of the Supreme Court regarding the Constitutionality of House Bill No. 305.

J. H. Stewart, Clerk.

HOUSE MESSAGE

On motion of Mr. Walker, the following opinion of the Justices of the Supreme Court of Alabama relative to the constitutionality of House Bill No. 305, was read and ordered spread upon the

Journal; same being accordingly done, is in words and figures as follows, to-wit:

OPINION OF JUSTICES OF SUPREME COURT

To The Honorable Senate of Alabama:

House Bill 305 deals with the existing obligations of the State represented by outstanding warrants issued to county and municipal agencies and institutions for the purpose of paying teachers' salaries, &c.

It provides for the issuance of Special Revenue Certificates by the State Auditor in lieu of warrants now held. These certificates are to be negotiable paper and have the effect of a warrant on the State Treasurer, payable at future dates with interest.

The bill declares the certificates shall not constitute an indebtedness of the State, nor be a general charge against the faith and credit of the State, but be payable only out of a special fund provided in the Act.

To create such special fund the Act provides that out of the general funds coming into the State Treasury from and after September 30th, 1933, the sum of \$1,500,000.00 be set apart for the fiscal year beginning October 1st, 1934, and a like sum for each subsequent fiscal year, and applied to the payment of such certificates or warrants, principal and interest. The total principal of these certificates is limited to \$6,000,000.00. This special fund is to be a first charge on the general funds, less interest on the bonded debt, for a series of years running beyond the present quadrennial period and beyond the tenure of the present Legislature.

In essence the Act seeks to fund the present warrants payable out of current revenue, by substituting interest-bearing time certificates, declared to have the effect of warrants, and by presently creating a charge on future revenues of the State for the payment of same, principal and interest.

We are impelled to hold the proposed bill violative of Section 213 of the Constitution.—*In re Opinions of Justices*, 223 Ala. 130; *In re Opinions of Justices*, 143 So. 289.

The ends sought by the bill, the payment of the salaries of teachers who have rendered a highly favored public service, relying upon their State to meet its obligations to them, are most commendable. But we are not at liberty to strike down constitutional provisions, however meritorious the ends sought.

JNO. C. ANDERSON, C. J.
WILLIAM H. THOMAS
VIRGIL BOULDIN
JOEL B. BROWN
THOMAS E. KNIGHT.

Justices Gardner and Foster entertain the view the Bill involved is not violative of Section 213 of the Constitution, and submit the following opinion, prepared by Justice Foster:

In response to your Resolution No. 29, in connection with House Bill 305, we think your inquiry involves the discussion of important constitutional questions. Section 213 is explicit that no new debt shall be created against or incurred by this State or its authority, except as stated.

The question seems to be largely determined by the status of the provisions for interest, as to whether there is thereby created a State debt.

Interest is compensation for the failure to pay money or to perform a contract at the time when performance was due by such contract.—Section 8564, Code; *Vincent v. Gilmer*, 51 Ala. 387. Interest does not run against the State except by virtue of express contract entered into pursuant to constitutional authority. Many cases are collated in 22 American State Re-

ports (note) page 648, and others may be noted as follows: **Molineux v. State**, 109 Cal. 378, 42 Pac. 34, 50 Am. St. Rep. 49; 36 Cyc. 399, sec. (4 b); **Schlesinger v. Wisconsin**, 218 N. W. 440, 57 A. L. R. 352; 25 R. C. L. 405, sec. 38; **Davis v. State**, 53 Pac. (Cal.) 555; **Jobe v. Urquhart**, 143 S. W. (Ark.) 121.

It may be conceded to be contrary to our Constitution to donate funds to a private individual or corporation, without at least a moral obligation.—**State v. Clements**, 220 Ala. 515, 126 So. 162; Sections 93 and 94 Constitution. But in that case we recognized the right of the State to make an appropriation to discharge a moral obligation, and showed that such right is sustained by the great weight of authority.

But an appropriation to charitable or educational institutions under the control of the State (Section 73), or to the public schools (sections 256, 260), is not dependent upon a moral obligation. To them, the State may and habitually does, make donations with full constitutional power.—**Opinion of the Justices**, 215 Ala., 524, 111 So. 312; **Harmon v. Ide**, 140 So. 418. It is not important what may be the consideration which underlies such a donation. It is not only not prohibited but is authorized and directed, consistent with the condition of the treasury, and the resources of the State.—Section 260. It is clear therefore that an appropriation simply in anticipation of funds to be received from revenue created by existing law, may be made to or for the public schools of the State, without thereby creating a debt.

Appropriations have been made, and warrants are outstanding in the hands of the school authorities, or subject to their control. Does the proposed bill merely undertake to add to the appropriation for such public schools and institutions? If that were its form, its constitutionality would be well founded, if suitable provision is made by law to produce the revenue to meet such appropriation when payable. That seems to be a reasonable interpretation of the Bill (No. 305), and we hold that such is its effect.

We do not think that the solution of the question depends upon the ordinary repealable nature of an appropriation. Section 22 of the Constitution, which preserves the obligations of contracts, applies to the State, as to an individual.—**State v. Cobb**, 64 Ala. 127 (7), 152: see the discussion and authorities cited by Judge Mayfield in **Decatur v. A. T. & T. Co.**, 176 Ala. 506, et seq; 36 Cyc. 880 (H); **Fletcher v. Peck**, 6 Cranch 87, 3 L. Ed. 162.

The argument that, as by the appropriation a corporation is set up with authority to purchase and hypothecate the warrants or revenue certificates provided for in the Act, it amounts to a contract for the benefit of those so receiving them that the appropriation will not be repealed, if sound, does not prove that thereby a debt is created as prohibited by Section 213. The State may contract without creating a debt as there mentioned.

If the form of the Act as a whole amounts to a contract not to revoke the appropriation, though an appropriation is ordinarily revokable (36 Cyc. 896, section 3), its nature as constituting a debt depends upon other considerations. A mere appropriation creates a debt only when the existing revenue laws are not reasonably adequate to raise sufficient funds to meet the appropriation when payable.—36 Cyc. 884; 25 R. C. L. 397; **Brown v. Gay-Padgett Hardware Co.**, 188 Ala. 423, 66 So. 161.

When therefore we are called upon to consider whether an appropriation payable in the future creates a debt under Section 213, we must answer that it is conditioned upon whether reasonably adequate provision has been made by which it will be reasonable to anticipate sufficient funds in the treasury to meet it when payable.

The Teasley Bill mentioned in **re. Opinion of Justices**, 143 So. 289, was we think subject to this defect in view of the condition of the State

treasury which was then, and is now, a matter so generally known as to demand judicial notice.

The situation is inherently different from the Lapsley inquiry as reported in 136 So. 489. Here, there is not interest coupons, nor other obligations to pay interest, but essentially an appropriation of a sum payable in the future sufficient to pay interest and to be derived from existing revenue laws and thereby to make a donation authorized by Sections 73 and 260. The Lapsley Resolution related to the general indebtedness of the State, and was not limited to those institutions to which donations are authorized by the Constitution, and was therefore within the principle asserted in *Molineux v. State*, *supra*.

Whereas the Bill in question bears more resemblance in this respect to our case of *Alabama State Bridge Corporation v. Smith*, 217 Ala. 311, in which the act made provision for the payment of interest out of any funds in the treasury, and it thus defined a debt within the meaning of Section 213: "Our judgment is that 'debt' within the meaning, the purview, the whole content, of the constitutional provision, is that which the State in any event is bound to pay, an obligation secured by the general faith and credit of the State. * * * There is no promise on the part of the State to pay in any event; there is no pledge that there will be a surplus of any fund; there is no pledge of the general credit of the State; there will be no debt within the meaning of Section 213." In no sense is the State thus bound by House Bill 305 to pay in any event nor does it pledge the general credit of the State therefor, nor does it obligate the State in any event to provide funds for the payment of the appropriation. It is only payable when and if funds are available.

Other questions pertaining to Section 213 seem to be settled by the cases of *Alabama State Bridge Corporation v. Smith*, *supra*, and *Heustess v. Hearin*, 213 Ala. 106, 104 So. 273.

Our answer to your inquiry is that House Bill 305 is not in violation of Section 213, assuming as we do that the revenue laws are reasonably sufficient to provide funds to meet the appropriation when due.

LUCIEN D. GARDNER
A. B. FOSTER.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 24. To make it unlawful for any official of the State of Alabama having the custody of, or in any manner connected with the handling, or having the authority to direct the uses of any of the public school funds arising under the provisions of Sections 257, 258, 259 and 260 of the Constitution of Alabama, to divert or permit to be diverted or to use or permit the use of, said funds or any part thereof, except for the uses and purposes as set out in said sections of the Constitution and to fix and prescribe penalties for the violation thereof.

Also:

H. 71. To regulate the manufacture for sale, the transportation, sale and possession of cereal beverages, in which hops, malt, or other light ingredients are used, containing not more than one-half of one per cent alcohol.

Also:

H. 98. To declare it unlawful to name, call or designate any building, bridge, or other structure or any institution, constructed, erected, maintained or financed, in whole or in part, by the State of Alabama after any person whomsoever then living; provided the Act shall not apply to buildings, bridges, or other structures or institutions now existing.

Also:

H. 107. To amend Section 12 of an act "Relating to and to further provide for the revenue of the State of Alabama by providing for the registration and identification of motor vehicles, motor tractors, jitney busses and trailers used on the public highways of Alabama and paid for the registration or license fee therefore and to further provide for the revenue of the State of Alabama" approved September 13, 1923.

Also:

H. 192. To amend Group 6 of Section 3022, Article 2 of the Code of Alabama.

Also:

H. 193. To provide for the exemption of blind persons from the payment of special privilege license in the State of Alabama, or any county or municipal sub-division of the State of Alabama; to provide the method for blind persons claiming such exemption; and to provide a penalty for the violation of this Act.

Also:

H. 202. To provide for the keeping in secrecy of the names and identities of persons drawn or summoned for jury service in Circuit Courts in counties having a population of 300,000 or more according to the last or any future Federal census, and to prescribe penalties and punishments for violations of the provisions of this Act.

Also:

H. 254. To repeal an Act entitled: "To create official State grades for strawberries and prescribe the marking of containers therefor; and to provide penalties for the violation of this Act," approved July 30, 1931.

Also:

H. 335. To regulate the issue of garnishment by Justice of the Peace and Notaries Public, with the same jurisdiction and powers of a Justice of the Peace, and proceedings thereon when a demand owing for, or on account of, personal services rendered or to be rendered by the defendant is sought to be subjected by process of garnishment in the County of Colbert.

Also:

H. 339. To abolish the office of Deputy Solicitor of Butler County, Alabama, to fix the time when such office shall be abol-

ished and to provide that such bill shall not affect any general, special or local laws except as herein provided for.

Also:

H. 340. To create the office of County Solicitor of Butler County, Alabama, to provide for the election of such officer by the qualified voters of said county, to prescribe his powers, duties and qualifications, provide for his compensation, fix the term of his office, provide for his election, the time of the election of his successor and to repeal all general and local laws in conflict herewith so far as they relate to said county.

Also:

H. 431. To provide for the employment of a Matron at the Mobile County Jail, to fix her duties, provide for her compensation and payment of same out of the County Treasury and to provide that all laws and parts of laws in conflict with the provisions of this act are hereby repealed and to provide that this act shall take effect immediately upon its passage and approval.

Also:

H. 431. To provide that in Mobile County, Alabama, the salary of the Jail Matron, of the Jail Guards, and of Traffic Officers, shall be preferred claims against the County of Mobile, having the same priority as the salary of members of Boards of Revenue and Road Commissioners or like governing body in said county; to repeal all laws and parts of laws in conflict with this act and to provide that this act shall take effect immediately upon its passage and approval.

Also:

H. 432. To authorize, empower and direct the Board of Revenue & Road Commissioners of Mobile County, Alabama, and the Treasurer of said County to pay out of the funds of said County to the persons who served as officers of the Court of Domestic Relations of Mobile County, organized under an Act of the 1931 Legislature of Alabama, which was subsequently declared unconstitutional, the salaries each of them would have been paid under the terms of said Act for the time each of said persons served under same, namely from August seventeenth, nineteen thirty-one, to November sixth, nineteen thirty-one, for which services they have not been compensated, and to provide that said payments be made in the same manner and order and out of the same fund as expenses of the Courts are paid.

Also:

H. 451. To confirm, ratify, validate, make legal, effective and binding two certain interest bearing warrants, number 6 and 7, issued by the Commissioner's Court of Jackson County, Alabama, as follows: No. 6, issued August 31, 1925, to L. R. Onsby, in the sum of Five Hundred Dollars (\$500.00), payable December 15, 1925, with interest at 6% from date; No. 7, issued September 2,

1925 to Mrs. L. R. Onsby, in the sum of One Thousand Dollars (\$1,000.00), payable December 31, 1925, with interest at 6% from date; and to ratify, confirm, validate, and make legal, effective and binding all interest payments heretofore made on said warrants from their date of issue to December 31, 1931; to provide for the payment of said warrants and the accrued interest; to require and direct the Treasury or County Depository of Jackson County to recognize and pay said warrants as hereinafter provided.

J. H. Stewart, Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the request of the Senate for a Committee of Conference on the disagreement of the two Houses on the House amendments to the bill:

S. 25. Relating to the salary or compensation of officers or employees of the State, or of any department thereof whose compensation is paid out of State Treasury.

And the Speaker of the House named as Conferees on part of the House, Messers Harrison, Stokes and Hampton.

J. H. Stewart, Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment: By Mr. Kettler:

H. 460. To authorize and empower the Court of County Commissioners of Crenshaw County, Alabama to levy a privilege license or tax of one cent on all gasoline, woco pep, or any substitute for gasoline, or any other motor fuels used by and in self propelled motor vehicles and sold in said county, or stored in said county for sale, for the privilege of selling the same, and to authorize the court of County Commissioners of Crenshaw County, Alabama to levy a privilege tax or license of one cent per quart on all lubricating oils sold in said county or stored in said county for sale for the privilege of selling the same, and to provide rules, regulations and machinery for the collection thereof, and to provide penalties for the violation of such rules and regulations, and to provide the punishment for

violation of such rules and regulations. Said proceeds from said license or tax on said gasoline and said lubricating oils to be used exclusively for the benefit of the public schools of said county.

With notice and proof thereto attached and herewith exhibited as follows:

TO WHOM IT MAY CONCERN:

Notice is hereby given that at the Special Session of the Legislature of Alabama, which will convene on August 16th, 1932 a Bill will be introduced for passage, the substance of which is as follows, to-wit:

To authorize and empower the Court of County Commissioners of Crenshaw County, Alabama to levy a privilege license or tax of one cent on all gasoline, woco pep, or any substitute for gasoline, or any other motor fuels used by and in self propelled motor vehicles and sold in said county, or stored in said county for sale, for the privilege of selling the same, and to authorize the Court of County Commissioners of Crenshaw County, Alabama to levy a privilege tax or license of one cent per quart on all lubricating oils sold in said county or stored in said county for sale for the privilege of selling the same, and to provide rules, regulations and machinery for the collection thereof, and to provide penalties for the violation of such rules and regulations, and to provide the punishment for violation of such rules and regulations. Said proceeds from said license or tax on said gasoline and said lubricating oils to be used exclusively for the benefit of the public schools of said county.

This Aug. 9, 1932.

C. J. KETTLER,
Representative.

AFFIDAVIT OF PUBLICATION.

State of Alabama, }
Crenshaw County. }

Before the undersigned Notary Public personally came J. C. McLendon, who being duly sworn says upon oath that he is Associate Publisher of a newspaper published at Luverne, Crenshaw County, Alabama, known as The Luverne Journal & News, and that the notice of publication, a true copy of which is hereto annexed, and being entitled: Levy A Privilege License or Tax on Gas by County Commissioners, was published in said newspaper, once a week for four consecutive weeks, to-wit in the issues of said newspaper dated:

8-10-32, 8-17-32, 8-24-32, 8-31-32.

J. C. McLENDON.

Sworn and subscribed to before me this 9-22-32 day of September, 1932.

A. D. FUNDABURK,
Notary Public.

My commission expires March 1st, 1936.

Also:

By Mr. Harrison:

H. 449. To require and levy an occupation, license or privilege tax on every person who is an official of the State of Alabama, or who is employed by the State of Alabama, or by any department, agency, commission, board or institution of the State of Alabama, or who is an official of any county of the State of Alabama or an employee of any county, or of any agency, board, or commission of said county, or who is an official or employee of any municipality or of any department, agency, commission, or board of any

municipality, and whose compensation, either from salary or fees, exceeds the sum of \$1,200.00 per annum; to provide that the warrant, check or voucher for the payment of the salary of such official or employee shall be for the amount of the salary or compensation less the said tax and that where the compensation is by fees instead of salary the official or employee receiving such fees shall report the same and shall pay into the Treasury of the State, County or Municipality, the amount of the said tax, and to provide for the time of payment of such tax.

And sends same herewith to the Senate.

J. H. Stewart, Clerk.

HOUSE MESSAGE

The House Bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

H. 460, to the Committee on Local Legislation.

H. 449, to the Committee on Finance and Taxation.

BILLS ON THIRD READING

The bill:

H. 181. To make an appropriation of One Hundred and Fifty Thousand (\$150,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury to defray the expenses incurred by the present session of the Legislature, said appropriation to be available on the passage and approval of this Act.

Was read a third time at length and passed.

Yeas, 26; nays, 2.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Brown	Edmundson	Kelley	Scruggs
Caffey	Farmer	Lapsley	Teasley
Cooper	Garrett	Millsap	Warren
Craft	Goodwin	Mullins	Wikle
Darden	Hooton		

—26

Nays: Messrs. Bonner and Walker

— 2

The bill:

H. 72. In reference to and to further provide for the general revenue of the State of Alabama.

Was taken up.

Mr. Scruggs offered the following substitute for said bill to-wit:

Substitute for H. 72:

A BILL

To be entitled An Act in reference to and to further provide for the general revenue of the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Each and every person, firm, company, corporation, wholesaler, jobbers, distributor who sells and/or stores and/or receives for the purpose of distribution, or manufacturers for sale to any person, firm, corporation, club, or association within the State of Alabama any beverage, in which hops, malt or other light ingredients are used, any of them now or hereafter authorized by the laws of Alabama, shall, for the privilege of engaging in such business, in addition to any and all other State licenses or taxes required to be paid, pay to the State Tax Commission a license of three (3) cents per pint or each and every pint thereof received for the purpose of distribution, or sale, or manufactured for sale, which license shall be evidenced on each and every bottle of such beverage, liquid, drink or refreshment, by an appropriate license stamp label, or crown, prepared and furnished by the State Tax Commission.

Section 2. Each and every person, firm, corporation, co-partnership, or association, other than a manufacturer for sale engaging in the business of wholesaling, or otherwise selling them at retail to the public, in Alabama, any beverages, liquids, drinks, or refreshments, described in Section 1 of this Act shall, for the privilege of engaging in such business, in addition to any and all other licenses or taxes required to be paid, pay to the State Tax Commission of Alabama, an annual license tax of One Hundred (\$100.00) Dollars.

Section 3. Each and every person, firm, co-partnership, corporation, or association, engaged in the business of selling at retail to the public, any cereal beverages, liquids, drinks, or refreshments, described in Section 1 of this Act, shall, for the privilege of engaging in such business, in addition to all other licenses and taxes required by the State pay annually, to the State Tax Commission, a license tax of Ten (\$10.00) Dollars.

Section 4. The State Tax Commission shall prepare or cause to be prepared and furnished monthly or as often as needed, proper license stamp labels, or crowns to wholesalers, jobbers, distributors, or manufacturers described in Section 1 of this Act, upon payment to said Commission of the proper license tax evidenced by the amount and number of such labels. And the State Tax Commission may make such rules and regulations as it deems proper for the distribution of such license stamp labels, and the proper labeling of products described in Section 1 of this Act, which rules shall not be in conflict with the laws of the State; provided further, that such rules and regulations shall first be

submitted to the Attorney General of Alabama for his approval, whereupon such rules and regulations shall, when published by the State Tax Commission, have the force and effect of law.

Section 5. Every wholesaler, jobber, distributor, or manufacturer in this State shall before shipping, delivering, or sending out any of the beverages as defined in this Act, to any retail dealer, person, firm, or corporation, in this State, or for sale in this State, cause the same to have the requisite denominations and amount of stamp, or crown to represent the tax, affixed as stated herein. Provided that at the time of shipping or delivering any of the beverages defined and taxed herein, the said wholesaler, jobber, distributor, or manufacturer shall make a true duplicate invoice of the same, showing the date, amount, and value of each article shipped or delivered and retain a duplicate thereof, subject, to the use of the State Tax Commissioner, his authorized agents and representatives, for two years.

Section 6. The sum of Two Thousand (\$2,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to be available upon the taking effect of this Act, and to be used by the State Tax Commission in defraying any expenses which may be incurred in the administration and in preparing to administer this Act before sufficient funds shall have been collected from license fees, as hereinbefore provided. As soon as a sufficient amount of license fees shall have been collected under the provisions of this Act, the Two Thousand (\$2,000.00) Dollars hereby appropriated or so much thereof as shall have been used, shall be returned to the General Fund. Whereas an emergency exists for the immediate taking effect of this Act the same shall be in full force and effect from and after its passage.

Section 7. Any and all expenses incurred by the State Tax Commission of this Act, shall be paid out of the money collected under the provisions herein.

Section 8. All licenses or taxes paid into the State Tax Commission under the provisions of this Act shall be by it deposited into the State Treasury promptly upon receipt thereof, and such licenses or taxes shall constitute a special Trust Fund, and shall be by the State Treasurer, kept separate and apart from all other funds in an account denominated "Special Education Trust Fund for Elementary Public Schools."

Section 9. Any person, firm, or corporation knowingly violating any rule or regulation of the Tax Commission made pursuant to Section 4, of this Act, shall be guilty of a misdemeanor and on conviction shall be punishable by a fine of not less than One Hundred (\$100.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, or by imprisonment at hard labor for not more than six months, or by both such fine and imprisonment.

Section 10. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Mr. Teasley offered the following substitute for the bill and pending substitute, to-wit:

Substitute for H. 72:

A BILL

To be entitled An Act in reference to and to further provide for the General Revenue of the State of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That this act may be cited as "The Emergency Revenue Act of 1932".

DEFINITIONS: That when used in this Act, the word "Officer" shall mean and include all officers where a commission issued in the name and by the authority of the State of Alabama is required before entering upon and exercising the duties of their respective offices. The word "employee" or "employees" shall mean and include all persons receiving a salary paid out of any appropriation made by the State of Alabama or any of the several counties, including appropriations made to any department, board or institution and all other persons receiving salaries from the State and the several counties not included in the above. The word "salary" shall mean and include any and all amounts received by any officer or employee, whether salary, fees, commissions, compensation, emoluments and ex officio fees for services and all other amounts received under and by virtue of the office for the personal use of any officer or employee, less any amount paid out in the conduct of the office. The words "department, board or Institution" shall mean and include every activity of the State of Alabama and the several counties thereof, where public money is appropriated for its maintenance. The word "person" or the word "company" herein used interchangeably, includes any individual, firm, copartnership, association or corporation or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context. The term "commission" means the State Tax Commission of the State of Alabama. The words "Tax year" or "taxable year" mean the calendar year. The words "Gross sales" include the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale. The word "taxpayer" means any person liable for taxes hereunder. The words "gross receipts" mean the value proceeding or accruing from the sale of tangible, personal property, or service, or both, and all receipts actual and accrued, by reason of any business engaged in, including fees or other emoluments however designated (not including, however, interest, discounts,

rentals or royalties) and without any deduction on account of the cost of the property sold, the cost of the material used, labor cost, or any other expenses whatsoever, and without any deductions on account of losses. The words "business, occupation, vocation, calling or profession" as used in this Act, shall include all activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect (except salaried employees), and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which sub-activities shall be considered business engaged in, taxable in the class in which it falls.

Section 1-a. Each and every person, firm, company, corporation or association of persons engaged in the business of manufacturing for sale any beverage, in which hops, malt or other light ingredients are used any of them, now or hereafter authorized by the laws of Alabama, shall, for the privilege of engaging in such business, in addition to any and all other state licenses or taxes required to be paid, pay to the State Tax Commission a license of three cents (3c) per pint on each and every pint thereof manufactured and sold, which license shall be evidenced on each and every bottle of such beverage, liquid, drink or refreshment, by an appropriate license stamp label prepared and furnished by the State Tax Commission.

Section 1-b. Each and every person, firm, corporation, co-partnership, or association, other than a manufacturer for sale engaging in the business of wholesaling, or otherwise selling them at retail to the public in Alabama, any beverages, liquids, drinks, or refreshments, described in Section 1-a of this act shall, for the privilege of engaging in such business, in addition to any and all other licenses or taxes required to be paid, pay to the State Tax Commission of Alabama, an annual license tax of Two Hundred (\$200.00) Dollars.

Section 1-c. Each and every person, firm, co-partnership, corporation or association, engaged in the business of selling at retail to the public any cereal beverages, liquids, drinks, or refreshments, described in Section 1-a of this act, shall, for the privilege of engaging in such business, in addition to all other licenses and taxes required by the State pay annually to the State Tax Commission, a license tax as follows: viz: In unincorporated places, and towns and cities of not over five thousand inhabitants, ten dollars; in towns and cities of five thousand and not over fifteen thousand inhabitants, fifteen dollars; in cities of fifteen thousand and not over twenty-five thousand inhabitants, twenty dollars; in cities of twenty-five thousand inhabitants or more, twenty-five dollars.

Section 1-d. The State Tax Commission shall prepare or cause to be prepared and furnished monthly or as often as needed, proper license stamps labels to manufacturers described in Section 1-a of

this act, upon payment to said Commission of the proper license tax evidenced by the amount and number of such labels. And the State Tax Commission may make such rules and regulations as it deems proper for the distribution of such license stamp labels, and the proper labeling of products described in Section 1-a of this act, which rules shall not be in conflict with the laws of the State; provided further that such rules and regulations shall first be submitted to the Attorney General of Alabama for his approval, whereupon such rules or regulations shall, when published by the State Tax Commission have the force and effect of law.

Section 1-e. All licenses or taxes paid into the State Tax Commission under the provisions of this Act shall be by it deposited into the State Treasury promptly upon receipt thereof, and such licenses or taxes shall constitute a special trust fund, and shall be, by the State Treasurer, kept separate and apart from all other funds in an account denominated "Special Education Trust Fund for Elementary Public Schools".

Section 1-f. Any person, firm, or corporation knowingly violating any rule or regulation of the Tax Commission made pursuant to Section 1-d of this Act shall be guilty of a misdemeanor and on conviction shall be punishable by a fine of not less than One Hundred (\$100.00) dollars, nor more than Five Hundred (\$500.00) Dollars or by imprisonment at hard labor for not more than six months, or by both such fine and imprisonment.

Section 1-g. There is also hereby levied for the use of each county in the State 50% of the amount of the State license or privilege tax levied herein for the use of the State under Section 1-b and 1-c of this Act.

Section 1-h. For the purpose of raising additional revenue to defray the expenses of the State Government, there is hereby levied, for the use of the State only, upon all officers holding any office of profit under the State of Alabama and the several counties thereof, for the fiscal years beginning October 1, 1932, October 1, 1933, and October 1, 1934, an annual occupation privilege or license tax, in amount equal to the following schedule of rates in excess of \$1200.00 of salaries received by such officers for the preceeding year, viz:

\$1201.00 to \$2000.00 inclusive,	at the rate of 5%
\$2001.00 to \$3000.00 inclusive,	at the rate of 10%
\$3001.00 to \$4000.00 inclusive,	at the rate of 15%
\$4001.00 to \$5000.00 inclusive,	at the rate of 20%
\$5001.00 to \$6000.00 inclusive,	at the rate of 25%
\$6001.00 to \$7000.00 inclusive,	at the rate of 30%
\$7001.00 to \$8000.00 inclusive,	at the rate of 35%
\$8001.00 to \$9000.00 inclusive,	at the rate of 40%
\$9001.00 to \$10000.00 inclusive,	at the rate of 45%
All over \$10,000.00	at the rate of 50%

Section 1-i. For the purpose of raising additional revenue to defray the expenses of the State Government, there is hereby levied, for the use of the State only, upon all employees of the State and the several counties thereof, including the executive officers and employees of all departments, boards and institutions where their salaries are paid out of appropriations made by the State, or the several counties thereof, for the fiscal years beginning October 1, 1932, October 1, 1933, and October 1, 1934, an annual occupation privilege or license tax, in amount equal to the following scale of rates in excess of \$1200.00 of salaries received by such employees during the preceeding fiscal year, viz:

- \$1201.00 to \$2000.00 inclusive, at the rate of 5%
- \$2001.00 to \$3000.00 inclusive, at the rate of 10%
- \$3001.00 to \$4000.00 inclusive, at the rate of 15%
- \$4001.00 to \$5000.00 inclusive, at the rate of 20%
- \$5001.00 to \$6000.00 inclusive, at the rate of 25%
- \$6001.00 to \$7000.00 inclusive, at the rate of 30%
- \$7001.00 to \$8000.00 inclusive, at the rate of 35%
- \$8001.00 to \$9000.00 inclusive, at the rate of 40%
- \$9001.00 to \$10000.00 inclusive, at the rate of 45%
- All over \$10000.00 at the rate of 50%

Section 1-j. It shall be the duty of every person liable for taxes levied under this act to file with the State Tax Commission during the month of October, 1932, and during the month of October in each subsequent year, a statement under oath, in forms to be furnished by the Commission, showing in detail the amount of salary received by him during the preceeding year, the source from which it was received together with a detail statement of any amount paid out by him during the preceeding year in the conduct of his office showing for what purpose and to whom paid. Upon receipt of such statement, the Commission, if it finds same correct, shall compute the tax due under this act and notify the person filing such statement.

Section 1-k. If any person taxable under this Act fails or refuses to file the statement herein required or if the Commission is not satisfied with the correctness of any statement filed, he shall forthwith from the best information obtainable fix the basis for the ascertainment of the taxes due under this Act. The Commission shall have the same power and authority in the performance of its duty required under this Act as it has under the law for ascertaining the amount of other occupation privilege or license taxes due under the general laws of the State. Any person who knowingly makes a false statement herein required under oath shall be guilty of perjury.

Section 1-l. The tax herein levied shall be due and payable in monthly installments beginning November 1st, of each year. It shall be the duty of all disbursing officers of the State and the

several counties to collect out of any monies due any person liable for tax under this Act the amount of the tax due by such person and remit same to the Commission, showing the amount collected and from whom received.

Section 1-m. Any person failing or refusing to pay the tax levied hereunder shall not be entitled to the payment of any warrant drawn in his favor by the State Auditor or by the Governing authorities of the several counties until all other warrants outstanding against the fund upon which his warrant is drawn has been paid.

Section 1-n. Any person liable for taxes under Sections 1-e and 1-h of this act who files with the Commission during the month of October, 1932, an instrument in writing making a voluntary reduction in his salary for the period covered by this Act and executing a legal waiver covering such reduction the Commission shall allow him credit for the amount of the voluntary reduction on the tax herein levied.

Section 1-o. Any person failing or refusing to make and file the statements herein required or who fails or refuses to pay the tax herein levied shall be ineligible and disqualified to hold any office of profit under this State or any county thereof or to hold any position or employment under this State or any county thereof during the next four years beginning the first Monday after the second Tuesday in the year 1935.

Section 2-a. That on and after the 1st day of December, 1932 there is hereby levied, in addition to all other taxes of every kind now imposed or otherwise imposed by this Act, and shall be collected for as herein provided, privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

Upon every person, firm or corporation engaged or continuing within this State in the business of mining and producing for sale or use, any gas, limestone, asphalt or other mineral products and timber, the amount of such tax to be in a sum equal to 1% of the value of the article produced, as shown by gross proceeds derived from the sale thereof by the producers (except as hereinafter provided).

Provided that the actual freight paid by the tax payer on such limestone, asphalt, timber or other mineral products or place of delivery shall be deducted from the gross proceeds of sales, if and when the same is sold on a delivered price.

The measure of this tax is the value of the entire production in this State, regardless of the place of sale or the fact that deliveries may be made to points outside the State.

Provided, however, that only persons engaged principally in the business of buying, logging and selling timber for commercial pur-

poses (except as otherwise provided in Section 4) shall be required to pay a tax measured by the value of timber produced.

Provided that nothing in this Act shall be construed so as to require the use of any gross proceeds of sales in the measure of tax levied under this Section, that has been included in the measure of tax levied under Section 2-e or Section 2-f of an act "In reference to and to further provide for the General Revenue of the State of Alabama" approved July 22, 1927.

Section 2-b. Upon every person, firm, or corporation engaged or continuing in this state in the business of manufacturing, compounding or preparing for sale or use any article or articles, substance or substances, commodity or commodities, the amount of such tax to be equal to the rate on the gross proceeds derived from the sale thereof by the manufacturer or person compounding or preparing the same (except as hereinafter provided) as follows:

Manufacturers of brick, drain tile, building tile, pipe, portland cement, portland cement products and clay products at the rate of 2%; manufacturers of bottle soft drinks and ice factories 1%; cotton seed oil mills, fertilizer factories and all other manufacturers on whose gross receipts or sales a tax is not otherwise levied in this act, one fourth of 1%.

The measure of this tax is the value of the entire product manufactured, compounded, or prepared for sale, profit or use in this state, regardless of the place of sale or the fact that deliveries may be made to points outside the State. But the actual freight charges prepaid by the taxpayer, or included in the invoice price, on such manufactured products, to the place of delivery, shall be deducted in determining the value of such manufactured products to be used as the measure of the tax imposed in this section.

If any person liable for any tax under Sections 2-a or 2-b shall ship or transport his products or any part thereof out of the State without making sale of such products, the value of the products or articles in the condition or form in which they existed when transported out of the State and before they enter interstate commerce, shall be the basis for assessment of the tax imposed in said paragraphs; and the Commissioner shall prescribe equitable and uniform rules for ascertaining such value.

In determining value, however, as regards sales from one to another of affiliated companies or persons, or under other circumstances where the relation between the buyer and seller is such that the gross proceeds from the sales are not indicative of the true value of the subject matter of the sale, the Commissioner shall prescribe uniform and equitable rules for determining the value upon which such privilege tax shall be levied, corresponding as nearly as possible to the gross proceeds from the sale of similar products of like quality or character by the other taxpayers where no common interest exists between the buyer and seller, but otherwise under similar circumstances and conditions.

Section 2-c. Upon every person engaging or continuing within this State in the business of contracting, there is likewise hereby levied, and shall be collected an amount equal to one per cent of the gross receipts of the business.

Section 2-d. Upon every person, firm or corporation engaged or continuing within this State in business of selling any tangible personal property whatsoever (not including however, bonds or other evidences of debt, or stocks) an amount equal to 2% of the gross proceeds of sales of the business; provided, however, that in the case of a wholesaler or jobber, the tax shall be an amount equal to one-eighth of 1% of the gross proceeds of sales of the business. The classification of wholesaler or jobber shall be used only by any person doing a regularly organized jobbing business, known to the trade as such, and having regularly in its exclusive employment one or more traveling salesmen.

Provided, however, that any person engaging or continuing in business as a retailer and a wholesaler or jobber shall pay the tax required on the gross proceeds of sales of each such business at the rates specified, when his books are kept so as to show separately, the gross proceeds of sale of each business, and when his books are not so kept he shall pay the tax as a retailer; and, provided, further, that any such person engaging or continuing in business as a retailer and a wholesaler or jobber shall pay the tax as a retailer on the gross proceeds of sales derived from all sales made by him to any person other than a licensed merchant.

Provided further that every person, firm, corporation, association or co-partnership operating one or more stores or mercantile establishments within this State under the same general management, supervision or ownership, and said stores are supplied from a common source or through warehouses owned or operated by the owners of such stores, shall pay an amount equal to 1% of the gross proceeds of sales of the business or businesses, in addition to the other privilege or license tax levied under this Section.

Section 2-e. Upon every person, firm or corporation engaged or continuing within this State in the business of conducting places of amusement and/or entertainment, theatres, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling and prize fights, boxing exhibitions, foot-ball and base-ball games, skating rinks, race tracks, golf courses, or any other place at which amusement or entertainment is offered to the public, including public bathing places, public dance halls, of every kind and description within the State of Alabama, the amount to be equal to 2% of the gross receipts of any such business.

Section 2-f. Upon every person, firm or corporation engaging or continuing within this State in any business, vocation, occupation, calling or profession, not incorporated in the preceding sections, there is hereby levied and shall be collected a privilege or li-

cense tax, an amount equal to 2% of the gross receipts from any such business, vocation, occupation, calling or profession.

Section 3. Nothing in this act shall be construed so as to require the use of any gross receipts or gross proceeds of sales, as the case may be, in the measure of tax levied under this Act, that has been included in the measure of tax levied under Section 2-a, 2-b, 2-c, 2-d, 2-e, 2-f, 2-g, 2-h, 2-i, 2-j of an Act "In reference to and to further provide for the General Revenue of the State of Alabama," approved July 22, 1927, nor shall anything in this act be construed so as to tax any person, firm or corporation upon the gross proceeds of sales of manufactured products produced or mined, if said manufacturers have paid the tax levied under Section 2-e and 2-f of an act "In reference to and to further provide for the General Revenue of the State of Alabama," approved July 22, 1927.

Section 4. There shall be excepted from the gross receipts of sales so to be taxed so much thereof as is derived from business conducted in commerce between this State and other States of the United States, or between this State and foreign countries, which the State of Alabama is prohibited from taxing under the Constitution of the United States of America. Nothing in this act shall be construed to levy a tax upon the operation by municipal corporations of any electric or water system owned by the municipality operating it, or upon the sale of gasoline which is otherwise taxed.

Section 4-a. Nothing in this Act shall be construed so as to require the use of any gross receipts or gross proceeds of sales, as the case may be in the measure of the tax levied under Section 2-d that has been included in the measure of the tax levied under Section 2-a and/or Section 2-b hereof, or under any law levying a tax on gasoline.

Provided, however, that any person exercising any privilege taxable under Section 2-a and/or Section 2-b of this Act and engaging in the business of selling his natural resource products or **manufactured products at retail** in this State shall be required to make returns of the gross proceeds of such retail sales and pay the tax imposed in Section 2-d of this Act for the privilege of engaging in the business of selling such natural resource products or manufactured products at retail in this State. But any such person exercising any privilege taxable under Section 2-a and/or 2-b of this Act and engaging in the business of selling his natural resource products or manufactured products to wholesalers or jobbers or retailers or manufacturers shall not be required to pay the tax imposed in Section 2-d of this Act for the privilege of selling such natural resource products or manufactured products at wholesale.

Manufacturers exercising any privilege taxable under Section 2-b of this Act shall not be required to pay the tax imposed in Section 2-d of this Act for the privilege of selling their manufactured

products for delivery outside of this State, but the gross income derived from the sale of such manufactured products outside of this State shall be included in determining the measure of the tax imposed on such manufacturer in said Section 2-b.

All persons exercising privileges taxable under Section 2-b, 2-c, 2-d, 2-e or 2-f, producing minerals or timber, the production of which is taxable under section 2-a, and using or consuming same in their business, shall be deemed to be engaged in the business of mining and producing minerals or timber for sale, profit or use and shall be required to make returns on account of the production of said minerals or timber showing gross proceeds therefrom, or the equivalent thereof, in accordance with uniform and equitable rules for determining the value upon which such privilege taxes shall be levied, corresponding as nearly as possible to the gross proceeds from the sale of similar products of like quality or character by other tax-payers, which rules the Commissioner shall prescribe.

Section 4-b. Manufacturers shall not be required to make returns on account of mining and/or producing timber or minerals or other products (exempting, however, oil or gas) when manufactured, compounded or prepared for sale in mills or plants located in this State, taxable under Section 2-b hereof, and where the total gross proceeds of sales is included in the measure of the tax by such manufacturers, but the total gross proceeds of sales of any such timber or minerals shipped or transported out of this State shall be returned and included in the measure of the tax imposed by Section 2-a; and persons exercising privileges taxable under Section 2-a (other than persons engaging or continuing in the business of mining and producing for sale, profit or commercial use, oil, and/or natural gas) shall not be required to include in the measure of the tax imposed thereby, any gross proceeds derived from sales to persons, taxable under Section 2-b hereof; but every person exercising privilege taxable under Section 2-a shall make the return required and show the amount of the gross proceeds, or gross receipts from each person to whom the timber or minerals were sold; and the Commission shall prescribe uniform and equitable rules for the making of such reports, and for determining such values in such cases.

Sec. 4-c. In computing the amount of tax levied under this Act, there shall be excepted from the gross receipts of the business, or gross proceeds of sales, as the case may be, so much thereof as is derived from sales to the United States Government or the State of Alabama, its departments and institutions, or from business which the State of Alabama is prohibited from taxing under the constitution of this State or the Constitution of the United States.

Section 5.—MUST OBTAIN LICENSE FROM THE COMMISSIONER.—If any person after the 30th day of November,

1932, shall engage or continue in any business for which a privilege tax is imposed by this Act, as a condition precedent to engaging or continuing in such business, he shall apply for and obtain from the Commissioner, upon the payment of the sum of One Dollar, a license to engage in and to conduct such business for the current tax year, upon the condition that he shall pay the tax accruing to the State of Alabama, under the provisions of this Act; and he shall thereby be duly licensed to engage in and conduct such business. Said license shall be renewed annually, and shall expire on the 31st day of December of each calendar year, provided that where any person, firm, or corporation has obtained a license or permit from the State Tax Commission as provided under an Act "Requiring licenses for the operation, maintenance, opening or establishment of stores in this State, prescribing the license and filing fees to be paid therefor, and the disposition thereof, and the powers and duties of the State Tax Commission in connection therewith, and prescribing penalties for the violation thereof," approved July 7, 1931, shall not be required to obtain a license or permit under this Act.

Section 6. CERTAIN PERSONS EXEMPT FROM PROVISIONS. There are, however, exempted from the provision of this Act;

"(a) Insurance Companies which pay the State of Alabama a tax upon premiums levied under the provisions of the laws of the State.

"(b) Building and Loan Associations, State and National Banks, and Mutual Savings Banks, not having a capital stock represented by shares and which are operated exclusively for the benefit of their depositors.

"(c) Labor, Agricultural and Horticultural Societies and organizations not operated for profit; and sales made by persons who produce live stock, poultry and other products of farm, grove or garden, whether said sales be made by the producer, or members of his immediate family or employees forming a part of the producer's organization, in the original state or condition of preparation for sale, and sales of fertilizers, seeds, boxes and/or crates, for use in preparing agricultural products for market; cemetery associations and companies which are organized and operated exclusively for the benefit of their members; fraternal benefit societies, orders or associations operating under the lodge system, or for the exclusive benefit of the members of the fraternity itself, operating under a lodge system, and providing for the payment of death, sick, accident or other benefits to the members of such societies, orders or associations, and to their dependents; corporations, associations or societies organized and operated exclusively for religious, charitable, scientific or educational purposes; business leagues, chambers of commerce, boards of trade, civic leagues and organiza-

tions operated exclusively for the benefit of the community and for the promotion of social welfare; one of which companies, organizations, corporations or societies, named in clause (c) of this section are organized for profit and no part of the income of which inures to the benefit of any private stockholder or individual.

"(d) Amounts received under life insurance policies and contracts paid by reason of the death of the insured.

"(e) Amounts received (other than amounts paid by reason of death of the insured) under life insurance endowment or annuity contracts, either during the term or at maturity, or upon surrender of the contract, equal to the total amount of premiums paid thereon.

"(f) Amounts derived from the sale of school books where the sale price is fixed by state contract.

"(g) Amounts received by hospitals, infirmaries and/or sanitariums.

Nothing in this Act shall be construed as levying any tax upon the gross proceeds received from the sale of any cotton or seed cotton or lint cotton or baled cotton whether compressed or not or cotton seed in its original condition."

Section 7. The taxes levied hereunder except as otherwise provided under this Act shall be due and payable in monthly installments, on or before the 15th day of the month next succeeding the month in which the tax accrues. The taxpayer shall, on or before the 15th day of the month make out a return showing the amount of the tax for which he is liable, for the preceding month, and shall mail the same together with a remittance, in the form required by Section 19 of this Act, for the amount of the tax, to the office of the Commissioner. Such monthly return shall be signed by the taxpayer or a duly authorized agent of the taxpayer, but need not be verified by oath.

Provided, however, that any person taxable under this Act, having cash and credit sales, may report such cash and credit sales separately and upon making application therefor may obtain from the Commission an extension of time for the payment of taxes due on such credit sales. Such extension shall be granted by the Commission, under such rules and regulations as the Commission may prescribe. When such extension is granted, the taxpayer shall thereafter include in each monthly report, all collections made during the month next preceding, and shall pay the taxes due thereon at the time of filing such report, but in no event shall the gross proceeds of credit sales be included in determining the measure of the tax to be paid until collection of such credit sales shall have been made.

Provided, however, that when the total tax for which any person is liable under this Act does not exceed the sum of Ten (\$10.00) Dollars for any month, a quarterly return and remittance

in lieu of the monthly return may be made on or before the 15th day of the month next succeeding the end of the quarter for which the tax is due.

Provided, further, that when the total tax for which any person is liable under this Act does not exceed the sum of Ten (\$10.00) Dollars in any quarter year he shall not be required to make either monthly or quarterly returns, but an annual return and remittance shall be required under rules and regulations to be prescribed by the Commission, such annual return and remittance to be made on or before the 30th day of the month next succeeding the end of the tax year for which tax is due.

The monthly, quarterly and annual returns required under this Act shall be made upon forms to be prescribed by the Commission.

The Commission for good cause may extend the time for making any return required under the provisions of this Act, and may grant such reasonable additional time within which to make such return as he may deem proper, but the time for filing any such return shall not be extended beyond the 15th day of the month next succeeding the regular due date of such return.

Section 8. RETURNS TO BE MADE—WHEN—HOW MADE. On or before thirty days after the end of the tax year, each person liable for the payment of a privilege tax under this Act shall make a return showing the gross proceeds of sales, or gross receipts of business, and compute the amount of tax chargeable against him in accordance with the provisions of this Act, and deduct the amount of monthly or quarterly payments, (as hereinbefore provided) if any, and transmit with his report a remittance in the form required by Section 19 of this Act covering the residue of the tax chargeable against him to the office of the Commission; such return shall be verified by the oath of the taxpayer, if made by an individual, or by the oath of the President, Vice-President, Secretary or Treasurer of a corporation, if made on behalf of a corporation. If made on behalf of a partnership, joint adventure, association, trust, estate, or any other group or combination acting as a unit, any individual delegated by such firm, co-partnership, joint adventure, association, trust, estate or any other group or combination acting as a unit shall make the oath on behalf of the taxpayer. If for any reason it is not practicable for the individual taxpayer to make the oath, the same may be made by any duly authorized agent. The Commission for good cause shown may extend the time for making the annual return on the application of any taxpayer and may grant such reasonable additional time within which to make the same as may, by him, be deemed advisable.

Section 9. COMMISSION TO CORRECT ERROR.—As soon as practicable after the return is filed the Commission shall examine it; if it then appears that the correct amount of tax is greater

or less than that shown in the return, the tax shall be recomputed. If the amount already paid exceeds that which should have been paid on the basis of the tax so recomputed, the excess so paid shall be credited against the subsequent payment; and if the amount already paid exceeds the correct amount of the tax, the excess shall be credited or refunded to the tax payer in accordance with the provisions of this Act.

If the amount already paid is less than the amount which should have been paid, the difference to the extent not covered by any credit under this Act, together with interest thereon at the rate on one-half of one percentum per month from the time the tax was due shall be paid upon notice and demand by the Commission.

If any part of the deficiency is due to negligence or intentional disregard to authorized rules and regulations with knowledge thereof but without intent to defraud, there shall be added as damages, ten percentum of the total amount of the deficiency in the tax, and interest in such a case shall be collected at the rate of one percentum per month on the amount of such deficiency from the time from the time it was due, which interest and damages shall be come due and payable upon notice and demand by the Commission.

If any part of the deficiency is due to fraud with intent to evade the tax, then there shall be added as damages not more than one hundred per centum of the total amount of the deficiency in the tax, and in such a case the whole amount of tax unpaid, including charges so added, shall be come due and payable upon notice, and demand by the Commission, and an additional one percentum per month on the tax shall be added from the date such tax was due until paid.

Section 10. TAX PAYER MUST KEEP RECORDS—FAILURE TO MAKE RETURNS DUTY AND POWER OF COMMISSION. It shall be the duty of every person engaging or continuing, in this State, in any business for which a privilege tax is imposed by this Act to keep and preserve suitable records of the gross receipts and/or gross receipts of sales of such business and such other books or account as may be necessary to determine the amount of tax for which he is liable, under the provisions of this Act. And it shall be the duty of every such person to keep and preserve, for a period of two years, all invoices of goods and merchandise purchased for resale, and all such books, invoices and other records shall be open for examination at any time, by the Commission or his duly authorized agent.

If no return is made by any taxpayer required to make returns as provided herein, the Commission shall give written notice by registered mail to such taxpayer to make such returns within thirty days from the date of such notice and if such taxpayer shall fail or refuse to make such returns as he may be required to make in such

notice, then such returns shall be made by the Commission from the best information available, and such returns shall be prima facie correct for the purposes of this Act, and the amount of tax shown due thereby shall be a lien against all the property of the taxpayer until discharged by payment and if payment be not made within thirty days after demand therefor by the Commission, there shall be added not more than one hundred per centum as damages together with interest at the rate of one per centum per month on the tax from the time such tax was due. If such tax be paid within thirty days after notice by the Commission, then there shall be added ten per centum as damages and interest at the rate of one per centum from the time such tax was due until paid; provided, however, in the event such taxpayer in answer to said notice from the Commission shall investigate that question fully before proceeding further under this Section.

Section 11. TAX SHALL BE LIEN.—The tax imposed by this Act shall be a lien upon the property of any person subject to the provisions hereof, who shall sell out his business, or stock of goods, or shall quit business, and such persons shall be required to make out the return provided for under Section 8 within thirty days after the date he sold out his business or stock of goods, or quit business, and his successor in business shall be required to withhold sufficient of the purchase money to cover the amount of said taxes due and unpaid until such time as the former owner shall produce a receipt from the Commission showing that the taxes have been paid, or a certificate that no taxes are due. If the purchaser of a business or stock of goods shall fail to withhold purchase money as above provided and the taxes shall be due and unpaid after the thirty-day period allowed, he shall be personally liable for the payment of the taxes accrued and unpaid on account of the operation of the business by the former owner.

Section 12. AGGRIEVED PERSON MAY FILE PETITION.—If any person having made the return and paid the tax as provided by this Act, feels aggrieved by the assessment made upon him for any year by the Commission, he may apply to the Tax Commission by petition, in writing, within thirty days after the notice is mailed to him, for a hearing and a correction of the amount of the tax so assessed upon him by the Commission, in which petition he shall set forth thereasons why such hearings should be granted and the amount in which such tax should be reduced. The Tax Commission shall promptly consider such petition, and may grant such hearing or deny the same. If denied, the petitioner shall be forthwith notified thereof; if granted the Tax Commission shall notify the petitioner of the time and place fixed for such hearing. After such hearing, the Tax Commission may make such order in the matter as may appear to it just and law-

ful, and shall furnish a copy of such order to the petitioner. Any person improperly charged with any tax and required to pay same, may recover the amount paid, together with interest, in any proper action or suit against the Commission, and the Circuit Court of the County in which the taxpayer resides or is located shall have original jurisdiction of any action to recover any tax improperly collected. It shall not be necessary for the taxpayer to protest against the payment of the tax or to make any demand to have the same refunded in order to maintain such suit. In any suit to recover taxes paid or to collect taxes the court shall adjudge costs to such extent and in such manner as may be deemed equitable.

Either party to such suit shall have the right to appeal to the Supreme Court of Alabama as now provided by law. In the event a final judgment is rendered in favor of the taxpayer in a suit to recover illegal taxes, then it shall be the duty of the State Auditor, upon receipt of a certified copy of such final judgment, to issue a warrant directed to the State Treasurer in favor of such taxpayer to pay such judgment, interest and costs. It shall be the duty of the State Treasurer to honor such warrant and pay such judgment out of any funds in the State Treasury.

No injunction shall be awarded by any court or judge to restrain the collection of the taxes imposed by this Act, or to restrain the enforcement of this Act.

It shall be the duty of any attorney for the Commission and/or the Attorney General to represent the Commission, or any agent or employee, and/or the State of Alabama in all legal matters relating to the enforcement, construction, application and administration of this Act, and in any litigation which may be instituted by the Commission and in which they or either of them may become involved, upon the order and under the direction of the Commission.

Section 13. WARRANT FOR COLLECTION OF TAX—TAX SHALL CONSTITUTE DEBT DUE STATE. (a) If any tax imposed or any portion of such tax be not paid within sixty days after the same becomes due, the Commission shall issue a warrant under official seal directed to the sheriff of any county of the State commanding him to levy upon and sell the real and personal property of the person owing the same, found within his county, for the payment of the amount thereof, with damages, to the amount of 10% of the tax, in addition to the penalties imposed for failure to make or for making a fraudulent return and interest, and cost of executing the warrant, and to return such warrant to the Commission and pay to it the money collected by virtue thereof by a time to be therein specified, not more than sixty days from the date of the warrant. The sheriff shall within five days after the receipt of the warrant, file with the circuit clerk of his county a copy there-

of, and thereupon the circuit clerk shall enter in the judgment roll, in the column for judgment debtors, the name of the taxpayer mentioned in the warrant, and in appropriate columns, the amount of the tax, or portion thereof and damages for which the warrant is issued; and the day when such copy is filed; and thereupon the amount of such warrants so docketed shall become a lien upon the title to and interest in real and personal property, including choses in action, except negotiable instruments not past due, of the person against whom it is issued in the same manner as a judgment duly enrolled in the office of such clerk. The sheriff thereupon shall levy upon any property of the taxpayer, including negotiable instruments, in all respects, with like effect, and in the manner prescribed by law in respect to executions issued against property upon judgments or attached proceedings, of a court of record and the remedies by garnishment shall apply and the officer shall be entitled to the same fees for his services in executing the warrant as now allowed by law for like services, to be collected in the same manner as now provided by law for like services.

(b) A tax due and unpaid under this Act shall constitute a debt due the State and may be collected by action in debt upon motion for judgment or other appropriate judicial proceedings, which remedy shall be in addition to all other existing remedies; and it shall constitute a lien upon all the property of the taxpayer except negotiable instruments not past due and the same shall be collected together with an additional ten per cent of the amount of the tax and penalties imposed for failure to make or for making a fraudulent return, and the cost of collection, if paid within thirty days, after the date it was due, and an additional two per cent of the amount of the tax for each succeeding thirty days elapsing before the tax shall have been paid; provided however, that the additional two per cent penalty shall not be applied until a ten day notice of delinquency shall have been sent to the taxpayer.

(c) Any person against whom a tax shall be assessed as herein provided shall be restrained and enjoined upon the order of the Commission by proper proceedings instituted in the name of the State of Alabama, by suitable action, brought by the Attorney General and/or any district attorney at the request of the Commission and/or the attorney for the Commission, from engaging and/or continuing in a business for which a privilege tax is required by the provisions of the Act, until the taxes shall have been paid and until such person shall have complied with the provisions of this Act, and such attorneys shall prosecute violations of criminal provisions of this Act upon the request of the Commission.

Section 14. ANNUAL RETURN—WHEN TO BE MADE. The assessment of taxes herein made and the returns required therefor shall be for the year ending on the 31st day of December;

provided, however, that if the taxpayer in transacting his business, keeps the books reflecting the same on a basis other than the calendar year, he may, with the assent of the Commission, make his annual returns and pay taxes for the year covering his accounting period, as shown by the method of keeping the books of his business.

Section 15. IS ADDITIONAL TAX.—THE tax imposed by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engaging in any business taxable hereunder, except as in this Act otherwise specifically provided. But no municipality or county shall be authorized to levy and tax by virtue of the provision of this Act, except as herein otherwise provided.

Section 16. LETTERS IN REPORT NOT TO BE DIVULGED.—Unless in accordance with the judicial order or as herein provided, the State Tax Commission, its agents, clerks or stenographers shall not divulge the gross receipts, gross proceeds of sales or the amount of tax paid by any person as shown by the reports filed under the provisions of this Act, except to employees of the State Tax Commission for the purpose of checking comparing and correcting returns, or to the Governor, or to the Attorney General, or any other legal representative of the State in any action in respect to the amount of tax due under the provisions of this Act.

Sec. 16-a. The Secretary of State shall withhold the issuance of any certificate of dissolution or withdrawal in the case of any corporation organized under the laws of this State or organized under the laws of another state and admitted to do business in this State until the receipt of a notice from the Commission to the effect that the tax levied under this Act against any such corporation has been paid, if any such corporation is a taxpayer under the law, or until he shall be notified by the Commission that the applicant is not subject to pay a tax hereunder.

Section 17. UNLAWFUL TO REFUSE TO MAKE RETURNS.—PENALTY. It shall be unlawful for any person to fail or refuse to make the return provided to be made in Sections 7 and 8 of this Act, or to make any false or fraudulent return or false statement in any return, with intent to defraud the State or to evade the payment of the tax, or any part thereof, imposed by this Act; or for any person to aid or abet another in any attempt to evade the payment of the tax, or any part thereof, imposed by this Act; or for the president, vice-president, secretary or treasurer of any company to make or permit to be made for any company or association any false return, or any false statement in any return required by this Act with the intent to evade the payment of any tax hereunder; or for any person to fail or refuse to permit the ex-

amination of any book, paper, account, record, or other data by the Commission, or its duly appointed agent, as required by this Act; or to fail or refuse to permit the inspection or appraisal of any property by the Commission or its duly appointed agent, or to refuse to offer testimony or produce any record as required in this Act. Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and on conviction, thereof shall be fined not more than Five Hundred (\$500.00) Dollars or imprisoned not exceeding six months in the county jail, or punished by both such fine and imprisonment, at the discretion of the court within the limitations aforesaid. In addition to the following penalties any person who shall knowingly swear to or verify any false or fraudulent statement, with the intent aforesaid, shall be guilty of the offense of perjury and, on conviction thereof, shall be punished in the manner provided by law. Any company for which a false return, or a return containing a false statement as aforesaid shall be made, shall be guilty of a misdemeanor and may be punished by a fine of not more than Five Hundred (\$500.00) Dollars.

Section 18. ADMINISTRATION OF ACT VESTED IN THE STATE TAX COMMISSION.—The administration of this Act is vested in and shall be exercised by the State Tax Commission, except as otherwise herein provided, and the enforcement of any of the provisions of this Act in any of the courts of the State shall be under the exclusive jurisdiction of the State Tax Commission who may require the assistance of and act through the prosecuting attorney of any county, or any district attorney, or any attorney for the Commission, and may, with the assent of the Governor, employ special counsel in any county to aid the prosecuting attorney, the compensation of whom shall be fixed by and paid only upon the approval of the Governor; but the district attorney or prosecuting attorney of any county shall receive no fees or compensation for services rendered in enforcing this Act in addition to the salary paid to such officer. **The State Tax Commission shall appoint, as needed such agents, clerks and stenographers as authorized by law, who shall serve under him shall perform such duties as may be required, not inconsistent with this Act, and are hereby authorized to act for the Commission as it may prescribe and as provided herein.** Each such agent shall execute a bond in the sum of Five Thousand (\$5,000.00) Dollars for the faithful discharge of his duties. All of such agents, clerks and stenographers may be removed by the State Tax Commission for cause of which the Commission shall be final judge.

In case of violation of the provisions of this Act the Commission may decline to prosecute for the first offense, if in its judgment such violation is not wilful or flagrant.

Section 19. COMMISSION TO MAKE REGULATIONS. The Commission shall from time to time promulgate such rules and

regulations not inconsistent with this Act for making returns and for the ascertainment, assessment and collection of the tax imposed hereunder as he may deem necessary to enforce its provisions; and upon request shall furnish any taxpayer with a copy of such rules and regulations.

All forms, to be issued under the provisions of Section 5 hereof, necessary and proper for the enforcement of this Act shall be prescribed, printed and furnished by the Commission;

Section 20. COMMISSION MAY EXAMINE BOOKS, ETC.—The Commission may examine books, papers, record, or other data bearing upon the correctness of any return, or for the purpose of making a return where none has been made, as required by Sections 7 & 8 of this Act, and may require the attendance of any person and take his testimony with respect to any such matter, with power to administer oaths to such person or persons. If any person summoned as a witness shall fail to obey any summons to appear before the Commission, or shall refuse to testify or answer any material question or to produce any book, record, paper or other data when required to do so, such failure or refusal shall be reported to the Attorney General or the District Solicitor, who shall thereupon institute proceedings in the Chancery Court of the county where such witness resides to compel obedience to any summons of the Commission, officers who serve summonses or subpoenas, and witnesses attending, shall receive like compensation as officers and witnesses in the justice of the peace courts; to be paid from the proper appropriation for the administration of this Act.

Section 21. EXCESS PAYMENT—REFUND.—If upon examination of any monthly or quarterly return made under this Act, it appears that an amount of tax has been paid in excess of that properly due, then the amount in excess shall be credited against any tax or installment thereof then due from the taxpayer, under any other subsequent monthly or quarterly return, and any balance of such excess at the end of the year and upon the filing of its annual return, shall be immediately refunded to the taxpayer by certificate of overpayment issued by the Commission to the State Auditor which shall be investigated and approved by the Attorney General and the Auditor shall issue his warrant on the Treasurer, which warrant shall be payable out of any funds appropriated for that purpose. Any taxes recovered by suit by any taxpayer shall be refunded in like manner, but shall be accompanied by a copy of the order or decree of the court issuing such order or decree.

Section 22. All remittances of taxes imposed by this Act shall be made to the State Tax Commission by bank draft, certified check, or money order made payable to the State Treasurer, and shall be set apart as a trust fund for educational purposes only, to be designated as the "Educational Trust Fund", and shall be kept

separate and apart from all other funds in the State Treasury and shall be paid out by the Treasurer on lawful appropriations heretofore or hereafter made specifically from such funds by the Legislature of Alabama for educational purposes. Any state treasurer who pays out any funds derived from special school taxes or taxes levied under this Act except upon warrants legally drawn against said fund for educational purposes shall be guilty of a misdemeanor.

Section 23. The license inspectors of the several counties of the State, when required to do so by the State Tax Commission, shall enforce the collection of all delinquent privilege and license taxes levied under the forgoing sections of this Act, and shall have all the power and authority in enforcing the provisions of said Act as is conferred upon them in the enforcement of the collection of other delinquent license taxes due the State, and shall receive the same fees and emoluments therefor, to be added to the tax collected.

Section 24. The homestead of every resident of this State, with the improvements and appurtenances, not exceeding in value two thousand dollars, and in area one hundred and sixty acres, shall be, to the extent of any interest he may have therein, whether a fee or less estate, or whether held in common or in severalty, exempt from all State taxation beginning October 1, 1932, and the governing authorities of the several counties and municipalities shall have the power and authority to grant similar exemptions from county and municipal taxation.

Section 25. INVALIDITY OF PART OF ACT NOT TO INVALIDATE ENTIER ACT—If any clause, sentence, paragraph or part of this ACT shall for any reason be adjudged by any court of competent jurisdiction to be invalid such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 26. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed, provided that all provisions of existing laws relating to taxation and revenue which are not in conflict with the provisions of this Act and which are not herein expressly repealed, are not hereby repealed.

Section 27. Sections 1 and 1-a to 1-O, inclusive of this Act shall take effect immediately upon the passage and approval by the Governor and all other sections of this Act shall become effective only in the event that an amendment to the Constitution of the State designated as Article 23 in the Proclamation of the Governor, known as "The Bond Amendment", shall be defeated at the election to be held on November 8, 1932.

Section 28. This Act being an emergency Revenue measure, shall expire and stand repealed on the 30th day of Sept. 1935, ex-

cept section 1 and 1-a to 1-g inclusive, which shall remain in full force and effect.

Pending the further consideration of said bill and substitutes:

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 175. To relieve the Tax Assessors of all the Counties in the State of Alabama, where there are no local laws providing to the contrary, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order, according to Beats, the original assessment lists, and have same permanently bound and kept as a permanent record, and prepare the Tax Collector's abstracts from said assessment lists, and to repeal all laws in conflict herewith, except local laws.

Also:

S. 189. To amend Sub-division 2 of Section 834 of the Code of Alabama of 1923.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 131. To amend Section One of an Act approved July 17, 1931, entitled "An Act to provide for the quarterly publication by the city clerk of Athens, Alabama, of an itemized report of the receipts and expenditures of said city of Athens, Alabama for each preceding three months, and to provide penalty for failure to observe said law."

Also:

S. 155. To amend an Act entitled An Act passed over the Governor's Veto on June 9th, 1931, which Act created and established, "The Inferior Court of Randolph County, defined its jurisdiction, provided for the Officers of said Court and for the manner of their selection or election, etc., and abolished the County Court of Randolph County, and the office of County Solicitor" by providing in said Act that the Clerk of said Inferior Court shall receive in addition to the fees therein provided Ex Officio Fees in the same amount that the Clerk of the Circuit Court receives and to provide for the manner and payment thereof.

Also:

S. 171. To amend an Act entitled: "An Act to create and establish an inferior statutory court in Limestone County, Alabama to be called The Municipal Court of Limestone county; to provide for

and define the jurisdiction and powers of such court; to provide for a judge thereof and other officers, their term of office and the manner of the selection of such officers, and their powers, duties and compensation; to fix and define the fees and costs chargeable in said court; to provide rules of procedure in such court; to provide for registering of its judgments and the lien of such judgments, and to provide for the transfer of causes from any abolished court having the same jurisdiction to this court when created and established."

Also:

S. 172. To amend an Act "To abolish the Board of Revenue of Walker County, Alabama, and to establish in lieu thereof a County Commission; to provide when said Board of Revenue shall be abolished and said County Commission established; to provide the number of members and who shall constitute the members of said County Commission, and to prescribe their terms of office, authority, powers and duties and fix their compensation; to provide for the selection and election of said members and to repeal all laws and parts of laws in conflict herewith," approved June 13, 1931, said Act to be amended so as to read as follows: AN ACT to abolish the Board of Revenue of Walker County, Alabama and to establish in lieu thereof a County Commission; to provide when said Board of Revenue shall be abolished and said County Commission established; to provide the number of members and who shall constitute the members of said County Commission, and to prescribe their terms of office, authority, powers and duties and fix their compensation; to provide for the selection and election of said members and to repeal all laws and parts of laws in conflict herewith.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 73. Relative to the adjournment of the two Houses until Tuesday, October 11th, 1932, at 11:00 o'clock.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bill, your signature is requested:

H. 181. To make an appropriation of One Hundred and Fifty Thousand (\$150,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury to defray the ex-

penses incurred by the present session of the Legislature, said appropriation to be available on the passage and approval of this Act.

J. H. Stewart,
Clerk

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment: By Mr. Sanderson:

H. 237. To regulate the excusing of jurors in the Circuit Courts of every County in this State, which now have, or may hereafter have, a population of as much as seventy-five thousand people and not more than one hundred thousand people, according to the last decennial census, or any such census which may hereafter be taken.

Also:

By Mr. Ogden:

H. 315. To fix and regulate the fees of witnesses in criminal cases in the county court and circuit court of Lamar County, Alabama, and before the grand jury of said county, and to provide for the payment thereof and to provide for the collection of witness fees from defendant convicted and for the disposition of the same.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

As is required by the Constitution and laws of the State of Alabama notice is hereby given that a bill in substance as follows will be introduced and offered for passage at the special or extraordinary session of the Legislature of Alabama, said session being the first session after the regular 1931 session of said Legislature.

AN ACT:

To fix and regulate the fees of witnesses in criminal cases in the county court and circuit court of Lamar County, Alabama, and before the grand jury of said county, and to provide for the payment thereof and to provide for the collection of witness fees from defendant convicted and for the disposition of the same.

Be it enacted by the Legislature of Alabama:

Section 1. That witnesses in criminal cases in the county court and in the circuit court of Lamar county, Alabama, and before the grand jury of said

county, are entitled to Sixty cents per day and three cents per mile to and from their residence by the route usually traveled.

Section 2. The fees of said witnesses subpoenaed on the part of the State to appear at the county court of the circuit court or before the grand jury of said county, shall be preferred claim against the Fine and Forfeiture Fund of said county.

Section 3. That all witness fees collected by the clerk of the court shall be paid by him into the Fine and Forfeiture Fund of the county treasury, and provided further that the fees of witnesses shall be collected by said clerk, as now fixed and provided by law.

Section 4. This act shall take effect immediately upon its approval by the Governor.

W. W. OGDEN, Representative, Lamar County, Ala.

AFFIDAVIT OF PUBLICATION

State of Alabama, }
Lamar County. }

Personally appeared before me, a Notary Public in and for said State and County, Lee Barnes who, after being duly cautioned and sworn, deposeth and says as follows: That he is the Publisher of The Lamar Democrat, a weekly newspaper, published in the State of Alabama, County of Lamar, Town of Vernon, and that a legal notice was published for 4 (Four) consecutive weeks in the above named paper, Aug. 3, 10, 17, 24, copy of which advertisement is hereto attached.

(s) LEE BARNES.

Sworn to and subscribed before me, this 27th day of Aug., 1932.

(s) NONA McNEES,
Notary Public.

Also:

By Mr. Kelly of Conecuh:

H. 473. To Further amend an Act entitled, "An Act to establish a Board of Revenue for Conecuh County, in lieu of the Court of County Commissioners as now provided by law. To relieve the Judge of Probate of his duties as Chairman of said Court or Board, to provide for the election of the members of said Board and for the election of a Chairman and Clerk thereof, and to fix their terms of office; to fix the powers and duties of the members of said Board, the Chairman and Clerk thereof, and to provide for their compensation.", Approved August 27, 1927 (Local Acts of 1927, Page 241 to 245, inclusive), and the Act amending said Act approved March 6, 1931 (Local Acts of 1931, Page 31), by amending Section 10 of said Act as amended, to read as hereinafter set out; to provide for the repeal of all laws or parts of laws in conflict herewith; and to provide when this Act shall take effect.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced in the Legislature of Alabama, during the Special Session, 1932 thereof, which bill is in substance as follows:

AN ACT

To Further Amend an Act entitled, "An Act to establish a Board of Revenue for Conecuh County, in lieu of the Court of County Commissioners as now provided by law. To relieve the Judge of Probate of his duties as Chairman of said Court or Board, to provide for the election of the members of said Board and for the election of a Chairman and Clerk thereof, and to fix their terms of office; to fix the powers and duties of the members of said Board, the Chairman and Clerk thereof, and to provide for their compensation.", Approved August 27, 1927 (Local Acts of 1927, Page 241 to 245, inclusive), and the Act amending said Act approved March 6, 1931 (Local Acts of 1931, Page 31), by amending Section 10 of said Act as amended, to read as hereinafter set out; to provide for the repeal of all laws or parts of laws in conflict herewith; and to provide when this Act shall take effect.

Be It Enacted By The Legislature of Alabama:

Section 1. That Section 10 of an Act entitled, "An Act to establish a Board of Revenue for Conecuh County, in lieu of the Court of County Commissioners as now provided by law. To relieve the Judge of Probate of his duties as Chairman of said Court or Board, to provide for the election of the members of said Board and for the election of a Chairman and Clerk thereof, and to fix their term of office; to fix the powers and duties of the members of said Board, the Chairman and Clerk thereof, and to provide for their compensation.", Approved August 27, 1927 (Local Acts of 1927, Pages 241 to 245 inclusive), as amended by Act approved March 6, 1931 (Local Acts 1931, Page 31), be and hereby is amended so as to read as follows: "Section 10. That the Chairman of said Board shall have an office at the Court House of said County and shall give as much of his time to said office as may be necessary to properly conduct the affairs of Conecuh County. That the members of said Board of Revenue, including the Chairman, shall be entitled to Five Dollars (\$5.00) per day for each day of actual service rendered in attending the meetings of said Board, or for any work or labor or service rendered in looking after the roads and bridges of the County, and the Chairman of said Board shall be entitled to Five Dollars (\$5.00) per day for each day of actual service rendered by him in keeping and looking after the affairs of his office, and the members of the Board, including the Chairman, shall also be entitled to five cents per mile for each mile necessarily traveled by them in performing their respective duties, all of said sums to be paid out of the County Treasury on the certificate or warrant of the Chairman of the Board of Revenue after the same has been allowed and ordered paid by the Board, provided, however, that the total amount of per diem compensation which may be paid to the Chairman or any member of the Board of Revenue of Conecuh County during any one month for all services performed during said month shall not exceed the sum of Fifty Dollars (\$50.00), and provided further that the total amount which may be paid the Chairman or any member of said Board for mileage during any one month shall not exceed the sum of Twenty Five Dollars (\$25.00)."

Section 2. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 3. That this Act shall go into effect on the first day of the month following its approval by the Governor.

State of Alabama, }
Conecuh County. }

Personally appeared before me, a Notary Public in and for said State and County, R. G. Bozeman, who, being by me duly sworn, deposes and says that he is publisher of The Evergreen Courant, a newspaper published in Evergreen, in Conecuh County, Alabama, and that the attached notice was published for four consecutive weeks in said newspaper commencing on the 1st

day of September, 1932, and ending on the 22nd day of September, 1932.

R. G. BOZEMAN,

Publisher.

Sworn to and subscribed before me this the 22nd day of September, 1932.

J. L. KELLY,

Notary Public.

(Seal)

Also:

By Mr. Kelly of Conecuh:

H. 474. To repeal an act entitled, "An Act to create the office of Road Supervisor for Conecuh County, Alabama; to provide for his appointment, discharge, or removal; to fix his qualifications and prescribe his duties, powers, and authority; to provide for the manner of allowance and payment of claims approved by him; to fix his compensation and manner of payment; to fix his bond; to provide an expense account and the manner of payment; to provide for his appointment in the event the Board of Revenue fails to act; to provide when this act shall take effect; to provide that any section or provision of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, insofar as they apply to Conecuh County, Alabama," Approved March 4, 1931.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill will be introduced in the Legislature of Alabama, during the Special Session, 1932 thereof, which bill is in substance as follows:

AN ACT

To repeal an act entitled, "An Act to create the office of Road Supervisor for Conecuh County, Alabama; to provide for his appointment, discharge, or removal; to fix his qualifications and prescribe his duties, powers, and authority; to provide for the manner of allowance and payment of claims approved by him; to fix his compensation and manner of payment; to fix his bond; to provide an expense account and the manner of payment; to provide for his appointment in the event the Board of Revenue fails to act; to provide when this act shall take effect; to provide that any section or provision of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, insofar as they apply to Conecuh County, Alabama," Approved March 4, 1931.

Approved March 4, 1931.

Be it Enacted By The Legislature of Alabama:

Section 1. That, that certain act entitled, "An Act to create the office of Road Supervisor for Conecuh County, Alabama; to provide for his appointment, discharge, or removal; to fix his qualifications and prescribe his duties, powers and authority; to provide for the manner of allowance and payment of claims approved by him; to fix his compensation and manner of payment; to fix his bond; to provide an expense account and the manner of payment;

to provide for his appointment in the event the Board of Revenue fails to act; to provide when this act shall take effect; to provide that any section or provision of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, insofar as they apply to Conecuh County, Alabama.", Approved March 4, 1931, be and the same is hereby repealed.

Section 2. That this Act shall take effect immediately upon its passage and approval by the Governor.

State of Alabama, }
Conecuh County. }

Personally appeared before me, a Notary Public in and for said State and County, R. G. Bozeman, who, being by me duly sworn, deposes and says that he is publisher of The Evergreen Courant, a newspaper published in Evergreen, in Conecuh County, Alabama, and that the attached notice was published for four consecutive weeks in said newspaper commencing on the 1st day of September, 1932, and ending on the 22nd day of September, 1932.

R. G. BOZEMAN,
Publisher.

Sworn to and subscribed before me this the 22nd day of September, 1932.

J. L. KELLY,
Notary Public.

(Seal)

Also:

By Mr. West:

H. 479. To provide for the exemption from taxation of property owned by educational institutions located in the State of Alabama, devoted exclusively to educational purposes.

Also:

By Mr. Mize (by request):

H. 482. To designate the Probate Judge of Tuscaloosa County, Alabama, as ex-officio custodian of the County funds of Tuscaloosa County, Alabama; to provide for his giving bond for the performance of his duties as such and to prescribe his duties as such; to provide for the payment out of the County's funds of the premiums on such bond; to provide for the receipt and disbursement by him of the County funds; to provide for the payment by him of all grand and petit Juror certificates and to prescribe his other duties as such ex-officio custodian of the County funds; to provide necessary books to be used in connection with his duties as such; to provide for the employment of an expert accountant annually to examine his books and vouchers, as such ex-officio custodian of the County funds; to provide for recording his annual account and the posting of the same at the Court House door; to fix his compensation and prescribe the forms of accounts to be used; to provide for the deposit by him of the County's funds which come into his hands by virtue of his office with such incorporated State or National Bank, doing business in Tuscaloosa County, Alabama, as offers, by sealed bids to be opened on the first Monday of December of each year, the highest rate of interest

to the County on daily balances, upon such Bank giving good and sufficient security in such amount and in such form as may be approved by the Judge of Probate, as such ex-officio custodian of the County's funds, to protect the County and, or, the Custodian of its funds, in the proper handling and safe keeping, by said Bank, of the County's funds which may be deposited with said Bank; to provide for the application, use and disposition of any and all moneys to be derived from the interest on the daily balances of the funds of the County deposited in such Bank; and to provide when this Act shall take effect; and to repeal all laws in conflict therewith.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that the Board of Revenue of Tuscaloosa County, Alabama, will apply to the Special Session of the Legislature now in session at Montgomery for the passage of an Act substantially as follows:

A Bill
To Be Entitled
An Act

To designate the Probate Judge of Tuscaloosa County, Alabama, as ex-officio custodian of the County funds of Tuscaloosa County, Alabama; to provide for his giving bond for the performance of his duties as such and to prescribe his duties as such; to provide for the payment out of the county's funds of the premiums on such bond; to provide for the receipt and disbursement by him of the County funds; to provide for the payment by him of all grand and petit juror certificates and to prescribe his other duties as such ex-officio custodian of the County funds; to provide necessary books to be used in connection with his duties as such; to provide for the employment of an expert accountant annually to examine his books and vouchers, as such ex-officio custodian of the County funds; to provide for recording his annual account and the posting of the same at the Court House door; to fix his compensation and prescribe the forms of accounts to be used; to provide for the deposit by him of the County's funds which come into his hands by virtue of his office with such incorporated State or National Bank, doing business in Tuscaloosa County, Alabama, as offers, by sealed bids to be opened on the first Monday of December of each year, the highest rate of interest to the County on daily balances, upon such Bank giving good and sufficient security in such amount and in such form as may be approved by the Judge of Probate, as such ex-officio custodian of the County's funds; to protect the county and, or, the custodian of its funds, in the proper handling and safe keeping, by said Bank, of the County's funds which may be deposited with said Bank; to provide for the application, use and disposition of any and all moneys to be derived from the interest on the daily balances of the funds of the County deposited in such Bank; and to provide when this Act shall take effect; and to repeal all laws in conflict therewith.

Be it enacted by the Legislature of Alabama:

Section 1. That the Probate Judge of Tuscaloosa County, Alabama, be, and he is, hereby designated as ex-officio custodian of the County funds of Tuscaloosa County, Alabama.

Section 2. Before entering upon the duties of his office as ex-officio custodian of the County funds of Tuscaloosa County, Alabama, the Probate Judge, as such ex-officio custodian of the County funds, must give bond with some reputable, stable bonding company as surety in the penal sum of Twenty-

five Thousand and no-100 (\$25,000.00) Dollars, payable to Tuscaloosa County, Alabama, and conditioned as prescribed by law, which bond is to be approved by the Board of Revenue of said county and recorded in the office of the Clerk of the Circuit Court and filed in the office of the Clerk of the Circuit Court of said county; and the premium for such bond shall be paid by the Board of Revenue out of the County's funds; and the Board of Revenue shall require an additional bond whenever any special fund is to be received by the Probate Judge as ex-officio custodian of the County funds, and pay the premium therefor, out of the county's funds.

Section 3. It shall be the duty of the Probate Judge as such ex-officio custodian of the County funds; (a) To receive and keep the money of the County and disburse the same according to law. (b) To pay out of the general fund of the County, on presentation and without being audited and allowed by the Board of Revenue, all grand and petit juror certificates. (c) To keep in well bound books separate registers of claims presented against the general fund, and the special fund, if any, and the fine and forfeiture fund, if any. (d) To number and register, in the order in which they are presented, all claims against the general fund which have been audited and allowed by the Board of Revenue as claims against such fund; such register showing the number of the claim, the date presented for registration, to whom allowed, when allowed, the character of the claim and the amount thereof; and, except as otherwise provided by law, to pay the same in the order of their registration. He must, in like manner, number, register and pay all claims allowed against a fund raised for a special purpose. (e) To pay the claims of State witnesses in the manner provided by law. (f) Upon the registration of a claim he must endorse thereon the date and number of registration and sign his name thereto. (g) When a claim is received in payment of a debt due the County, he must give a receipt therefor, showing a description of the claim and the name of the person and character of the debt on whose account the claim was received. (h) On the payment of any claim he must take a receipt therefor; and when a claim of any character is paid or received by him, he must cancel the same by defacing or mutilating it so as to show that it is of no further value and, if registered, write upon the register against the claim the word "paid" and the date of such payment. (i) To keep a correct account of the receipts and disbursements of all monies received by him for the County, according to the forms herein prescribed, charging himself with all monies so received, of whom, on what account, and the amount, crediting himself with all payments, stating the number and character of the claim, in whose favor, and the amount. (j) To examine the dockets of the circuit and county and inferior courts and sheriff semi-annually; to demand and receive all monies due the county, and to cause to be instituted proceedings against defaulters. (k) To submit to the Board of Revenue, at the first term in each year, the register of claims; his account for the year balanced; vouchers for the payments; an estimate of the indebtedness of the County for the coming year, and the means of providing the same. (l) To make reports and give information to the Board of Revenue, when required, respecting all matters relating to the finances of the County. (m) To furnish the Board of Revenue in January of every year a verified statement of all monies received by him for the County during the preceding year, and of all claims received by him in lieu of money, which are receivable in payment of County taxes, which statement must designate the time and person from whom such claims or monies were received. (n) To perform such other duties as are or may be by law required of him.

Section 4. The Probate Judge as such ex-officio custodian of the County funds must not refuse the payment of any lawful and valid claim for the reason that claims of prior registration have not been paid, if there is money in the treasury belonging to the fund sufficient to pay such prior claims and the claim so presented.

Section 5. The books of the Probate Judge as such ex-officio custodian of the County funds are to be provided at the expense of the County.

Section 6. The annual account of the Probate Judge as such ex-officio custodian of the County funds, when examined and approved by the Board of Revenue, must be recorded and a copy of the same posted at the Court House door.

Section 7. The Clerk of the Circuit Court must, each year, without giving notice or information thereof to the Probate Judge as such ex-officio custodian of the County funds, appoint one expert accountant, of known integrity, to examine the books and vouchers of the Probate Judge as such ex-officio custodian of the County funds and report the condition of the same; and the person so appointed shall proceed without delay to make such examination and report, and to that end he is invested with all the powers and authority conferred by law upon the examiner of public accounts. He shall receive such compensation as may be allowed by the Board of Revenue.

Section 8. The Probate Judge as such ex-officio custodian of the County funds shall receive a salary of One and no-100 (\$1.00) per annum for his services under this act payable at the end of each year of his term of office as Probate Judge.

Section 9. The Probate Judge as such ex-officio custodian of the County funds shall use the same forms of account as are prescribed by law for the use of County Treasurers.

Section 10. It shall be the duty of the Judge of Probate, as such ex-officio custodian of the County funds, to place the moneys of the County, which come into his hands by virtue of his office, on deposit with such incorporated State or National Bank, doing business in Tuscaloosa County, Alabama, as offers, by sealed bids to be opened on the first Monday of December of each year, the highest rate of interest to the County on the daily balances of the County's bank deposits,—such placing of said County funds to be for the period of the following calendar year; and any and all money coming into the treasury of the County from interest derived from deposit of the County's funds in such bank shall be applied to and become a part of the road and bridge fund of Tuscaloosa County, Alabama, and be disbursed in the same manner as other moneys belonging to the road and bridge fund of said County are disbursed. It shall be the duty of the Probate Judge, as such ex-officio custodian of the County's funds, to require said Bank with which such moneys of the County are so deposited, to give good and sufficient security—the form, amount and sufficiency of such security to be such as is approved by the Probate Judge, as such ex-officio custodian of the County's funds;—to protect the County, and, or, the custodian of its funds, in the proper handling and safe keeping of the County's funds which may be deposited with said Bank.

Section 11. That this act shall take effect and become a law immediately upon its passage and approval by the Governor.

Section 12. That if any section or provision of this act shall be declared to be void or unconstitutional, it shall not affect or destroy the validity or constitutionality of any other section or provision which is not in and of itself void and unconstitutional.

Section 13. That all laws, and parts of laws, special, local and, or, general, in conflict with the provisions of this act be, and the same are, hereby repealed.

I hereby certify that the attached notice was published in The Tuscaloosa News, a newspaper published in Tuscaloosa County, Ala., once a week for four consecutive weeks; viz, August 22, 29, September 5, 12, 1932.

BRUCE SHELTON,
Publisher.

Subscribed and sworn to before me on this the 21st day of September, 1932.

KATIE LEE SIMMONS,
Notary Public.

Also:

By Mr. Sanderson:

H. 413. Providing for and Relating to the Remedies of a Landlord for Recovery of Possession of Rented Premises when such Possession is wrongfully Withheld by the Tenant.

Also:

By Mr. Sossaman:

H. 490. To provide for the appointment of Enumerators to take the School Census in all counties having a population of not less than 100,000 and not more than 300,000, according to the last or any subsequent Federal Census, to provide for fixing of their compensation and how said compensation shall be paid.

Also:

By Mr. Thompson:

H. 496. To provide additional duties and confer additional powers on each member of the Court of County Commissioners of Pike County, Alabama, in supervising the construction, maintenance and upkeep of the roads and bridges in his district, and to fix the salary and compensation of said Commissioners.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the 1932 Special Session of the Legislature of Alabama for the passage of the following Local Act:

A BILL TO BE ENTITLED AN ACT

To provide additional duties and confer additional powers on each member of the Court of County Commissioners of Pike County, Alabama, in supervising the construction, maintenance and up-keep of the roads and bridges in his district, and to fix the salary and compensation of said Commissioners.

Be it Enacted by the Legislature of Alabama:

Section 1. That each member of the Court of County Commissioners of Pike County, except the Probate Judge, shall have supervision of and shall be responsible to the Court of County Commissioners for the construction, maintenance and upkeep of the County roads and bridges in his Commissioner's district, and shall make personal inspection of all work under construction in his district, and shall approve all appointments of the County Road Superintendent of all road overseers, apportioners and enumerators necessary for the construction, maintenance and upkeep of the roads and bridges in his district, and shall inspect and approve all reports of overseers in his district, and the Probate Judge shall assist said Commissioners in the performance of their duties to such extent as shall be necessary.

Section 2. That each member of the Court of County Commissioners of Pike County except the Probate Judge, on presentation to the Court of County Commissioners of a monthly written report, which report shall show road inspections and due diligence on the part of such Commissioner in the performance of his duties, which must be approved by the Commissioners Court, shall receive a monthly salary of Fifty Dollars (\$50.00) a month, which shall be in lieu of all fees, compensation and expenses allowed by law to such Commissioner for services rendered in and about such Commissioners Court, including the work required as members of the Board of Review, the payment of such salary to be made out of the County treasury by warrant drawn by the Probate Judge on the Treasury of the County on the first of each month for the preceding month. That the Probate Judge shall receive as compensation for his services as a member of such Commissioners Court the sum of Three (\$3.00) Dollars for each day or part of a day which he shall preside over the sessions of said Court together with the fees for recording the minutes and proceedings of the Commissioners Court as provided by Section 7285 of the Code of Alabama, said compensation to be paid on the first of each month for the preceding month out of the County Treasury by warrant of such Judge drawn on the Treasury of the County.

Section 3. That all laws and parts of law in conflict with the provisions of this Act are hereby repealed.

Section 4. That this Act shall take effect and become operative immediately upon its passage and approval.

AFFIDAVIT OF PUBLICATION.

The State of Alabama, }
Pike County. }

I, M. N. Dodson, publisher of The Troy Messenger, hereby certify that the attached notice of a Local Bill to be introduced in the Legislature of Alabama was published once a week for four weeks, on to-wit August 26, September 2, 9, and 16th, 1932, according to law.

M. N. DODSON,
Publisher.

Sworn to and subscribed before me, this 27th day of Sept., 1932.

JANIE DINKINS,
Notary Public.

Also:

By Mr. Thompson:

H. 497. To better provide for the working of the public roads of Pike County, and to authorize the Court of County Commissioners of Pike County to accept a money compensation from those liable to road duty in lieu of road work, to be fixed by them, not to exceed four dollars per capita per annum.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the 1932 Special Session of the Legislature of Alabama for the passage of the following local act:

A BILL
TO BE ENTITLED
AN ACT

To better provide for the working of the public roads of Pike County, and to authorize the Court of County Commissioners of Pike County to accept a money compensation from those liable to road duty in lieu of road work, to be fixed by them, not to exceed four dollars per capita per annum.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Court of County Commissioners of Pike County may accept a money compensation to be fixed by them, not to exceed four dollars per capita per annum from those liable for road duty in lieu of the labor required by law upon public roads, and provide for the time of payment of the same, said money to go into the road fund of said county, and be appropriated exclusively for the maintenance and improvement of the public roads of said county.

Section 2. That this act shall take effect immediately upon its passage and approval.

AFFIDAVIT OF PUBLICATION.

The State of Alabama, }
Pike County. }

I, M. N. Dodson, publisher of The Troy Messenger, hereby certify that the attached notice of a Local Bill to be introduced in the Legislature of Alabama was published once a week for four weeks, on to-wit August 26, September 2, 9 and 16, 1932 according to law.

M. N. DODSON,
Publisher.

Sworn to and subscribed before me, this 27th day of Sept., 1932.

JANIE DINKINS,
Notary Public.

Also.

By Mr. McGraw:

H. 498. To provide for the election of a County Superintendent of Education for Shelby County, Alabama, by the qualified voters of said County; to provide the duties and fix the term of office and compensation and qualifications of such officer, and to provide for the selection and expenses of clerical help for said office and other expenses incident thereto.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given of the intention to apply to the Legislature of Alabama at its special session, beginning August the 16th, 1932, for enactment of the following local law for Shelby County, Alabama, viz:

AN ACT

To provide for the election of a County Superintendent of Education for Shelby County, Alabama, by the qualified voters of said County; to provide the duties and fix the term of office and compensation and qualifications of such officer, and to provide for the selection and expenses of clerical help for said office and other expenses incident thereto.

Be it Enacted by the Legislature of Alabama:

SECTION 1. At the general election for the year 1934, and every four years thereafter, there shall be elected a County Superintendent of Education

for Shelby County, Alabama, by the qualified voters of said County, who shall hold office for a term of four years from the first Monday after the second Tuesday in January next after his election, and until a successor is elected and qualified.

SECTION 2. Candidates for the office of such Superintendent of Education shall be nominated as candidates for other county offices of Shelby County, Alabama, under the laws of the State of Alabama.

SECTION 3. Such county superintendent of education must be a qualified elector of Shelby County, Alabama, and possess all the other qualifications required under the general laws of this State for county superintendents of education; and said superintendent of education shall perform and discharge all the duties of county superintendent of education, under the general laws of this State; provided that if there be a vacancy in said office from any cause whatever, the county board of education of said County is authorized to fill such vacancy as is provided by the general laws of the State.

SECTION 4. Said County Superintendent of Education shall devote his entire time to the discharge of his duties as such Superintendent of Education and shall receive as compensation not exceeding thirty six hundred dollars per annum, to be determined by the Board of Education of said County and he shall be paid at the time and in the manner now or hereafter provided by the general laws of the State of Alabama for the payment of salaries of superintendents of Education. The County Board of Education of Shelby County, Alabama, shall determine the amount and salary of office help for said County Superintendent of Education, and said Superintendent of Education shall have the authority to select such office help as may be provided by said Board of Education and the salary of such help shall be paid at the time and in the manner now provided by the general laws of the State of Alabama, for the payment of such office help or as may hereafter be provided by the general laws of said State and, if no such provision shall be made by the general laws of the State, then the Board of Education may fix the time and manner of such payment, provided that only one clerk or secretary shall be furnished for such office help, and the salary or compensation for such clerk or secretary shall not exceed one hundred dollars per month. The County Board of Education of said County is authorized to furnish, as provided by the general laws of the State of Alabama, the expenses of the Superintendent of Education and allowances for his office, which shall be allowed by the County Board of Education as authorized under the general laws of Alabama.

SECTION 5. That all laws and parts of laws in conflict with the provisions of this Act, insofar as they relate to Shelby County, Alabama, be and the same are hereby repealed.

This the 24th day of August, 1932.

J. F. McGRAW, SR.

State of Alabama, }
Shelby County. }

Before me, Paul O. Luck, a Notary Public in and for said county and in said State, personally appeared Luther Fowler, who being by me first duly sworn according to law, deposes and says that he is the Publisher of the Shelby County Reporter, a newspaper published at Columbiana, Shelby County, Alabama, and that the publication of a certain notice, which contains a copy of the proposed bill to provide for the election of a County Superintendent of Education for Shelby County, Alabama; to provide the duties and fix the term of office, compensation and qualifications, a true copy of which is hereto affixed, has been made in said Shelby County Reporter for four weeks, consecutively, to-wit: in the issues hereof dated as follows: September 1st, 1932, September 8, 1932, September 15th, 1932, and September 22, 1932.

LUTHER FOWLER.

Sworn to and subscribed before me on this the 27th day of September, 1932.

PAUL O. LUCK,
Notary Public, Shelby County, Alabama.

Also:

By Mr. Thompson:

H. 499. To repeal an act to better provide for the working of the public roads in Pike County, Alabama, prescribe rules and regulations for the same, and prescribe penalties for the violation of the provisions of this act, approved July 19, 1907.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that application will be made to the 1932 Special Session of the Legislature of Alabama for the passage of the following local Act:

A BILL TO BE ENTITLED AN ACT

To repeal an Act to better provide for the working of the public roads in Pike County, Alabama, prescribe rules and regulations for the same, and prescribe penalties for the violation of the provisions of this Act, approved July 19, 1907.

Be it Enacted by the Legislature of Alabama:

Section 1. That an "Act entitled An Act" to better provide for the working of the public roads in Pike County, Alabama, prescribe rules and regulations for the same, and prescribe penalties for the violation of the provisions of this Act, approved July 19, 1907, be and the same is hereby repealed.

Section 2. This Act shall take effect upon its passage and approval.

AFFIDAVIT OF PUBLICATION

The State of Alabama, }
Pike County. }

I, M. N. Dodson, publisher of The Troy Messenger, hereby certify that the attached notice of a Local Bill to be introduced in the Legislature of Alabama was published once a week for four weeks, on to-wit August 26, September 2, 9 and 16th, 1932, according to law.

M. N. DODSON,
Publisher.

Sworn to and subscribed before me, this 27th day of Sept., 1932.

JANIE DINKINS,
Notary Public.

Also:

By Mr. Shepherd:

H. 502. Authorizing and requiring the Board of Revenue of Walker County, Alabama, to pay to Jasper Advertiser the sum of One Hundred Eighty Five and 76/100 (\$185.76) out of the general funds of Walker County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

To Whom It May Concern:

Notice is hereby given that at the present special session of the Legislature of Alabama, a bill, the subject matter or substance of which will be as follows, will be introduced and offered for passage:

An act authorizing and requiring the Board of Revenue of Walker County, Alabama, to pay for the printing or publishing of a list of voters dropped from the poll list in Walker County, Alabama; said publication or printing having been authorized by the Walker County, Alabama, Board of Registrars on January 27th, 1932 and was published in the Jasper Advertiser, a newspaper published at Jasper, Alabama; said printing or publishing amounting to the sum of One Hundred Eighty Five and 76-100 (\$185.76) Dollars.

The State of Alabama, }
Walker County. }

Before me, the undersigned authority in and for said State and County, this day personally appeared Irving A. Dove, Publisher of The Jasper Advertiser, a newspaper published at Jasper, Walker County, Alabama, who, being duly sworn, says that the Legal Notice, copy of which is hereto attached was published in the said Jasper Advertiser once a week for 4 consecutive weeks namely August 24, 31 and Sept. 7, 14.

IRVING A. DOVE,
Publisher.

Sworn and subscribed to before me, this 19th day of September, 1932.

A. L. SHERER,
Notary Public.

Also:

By Mr. Williams:

H. 532. To fix the salary of the Judge of Probate of Calhoun County and to provide for clerical assistance and other expenses of said office and to fix the salary of Tax Collector of Calhoun County, and to provide for clerical assistance and other expenses of said office; to fix the salary of the Tax Assessor of Calhoun County, and to provide for clerical assistance and other expenses of said office; to require each of said officers to collect all the fees, compensations, and allowances, heretofore collected by said officers, and which may hereafter be collected by said officers, and cover same into the County Treasury on or before the fifth day of each month, and to provide for the payment of the salary, clerical assistance, and other office expense by the Treasurer of the County.

With notice and proof thereto attached and herewith exhibited as follows:

TO BE INTRODUCED AT THE PRESENT SESSION OF THE
LEGISLATURE

AN ACT

To fix the salary of the Judge of Probate of Calhoun County and to provide for clerical assistance and other expenses of said office to fix the salary

of Tax Collector of Calhoun County, and to provide for clerical assistance and other expenses of said office; to fix the salary of the Tax Assessor of Calhoun County, and to provide for clerical assistance and other expenses of said office; to require each of said officers to collect all the fees, compensations, and allowances, heretofore collected by said officers, and which may hereafter be collected by said officers, and cover same into the County Treasury on or before the fifth day of each month, and to provide for the payment of the salary, clerical assistance, and other office expense by the Treasurer of the County.

Be it Enacted by the Legislature of Alabama:

Section 1. That commencing at the beginning of their next term of office, subsequent to the general election to be held on the first Tuesday after the first Monday in November, 1932, the salary of the following named officers of Calhoun County shall be as follows: The salary of the Judge of Probate shall be Five Thousand Dollars per annum net; and he is hereby allowed the further and additional sum of Three Thousand Seven Hundred and Twenty Dollars per annum for clerical assistance, as follows: one clerk at Sixteen Hundred and Twenty Dollars per annum, one clerk at Twelve Hundred Dollars per annum; one Clerk at Nine Hundred Dollars per annum. The salary of the Tax Collector shall be Four Thousand Dollars per annum net; and he is hereby allowed the further and additional sum of One Thousand Eight Hundred Dollars per annum for clerical assistance as follows: one clerk at Twelve Hundred Dollars per annum, and Six Hundred Dollars per annum for extra help. The salary of the Tax Assessor shall be Four Thousand Dollars per annum net; and he is hereby allowed the further and additional sum of Two Thousand Two Hundred Dollars per annum for clerical assistance as follows: one clerk at Twelve Hundred Dollars per annum, and One Thousand Dollars per annum for extra help. Payment for clerks and extra help shall be made by the County Treasurer upon an order signed by the officer in whose office the clerks and extra help was employed, directing to whom any amounts shall be paid. The above named amounts shall be in lieu of all compensations and allowances now allowed to the respective named officers, and of all compensations and allowances that may hereafter be allowed said officers. These amounts shall be paid out of the county treasury of Calhoun County monthly as the salaries of other county officers are paid.

Section 2. The above named officers shall collect the fees, allowances and compensations heretofore collected by them, and the fees, allowances and compensations which may hereafter be collected by them, and shall cover such fees, allowances and compensations into the County Treasury on or before the fifth day of each month.

Section 3. The Board of Revenue of Calhoun County shall provide said officers with necessary quarters, books, stationery, office equipment, and other conveniences, necessary for the efficient handling of the affairs of their respective offices.

Section 4. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

R. CLARENCE WILLIAMS.

September 27, 1932.

State of Alabama, }
County of Calhoun. }

Before me, Clara B. Wright, Notary Public in and for said state and county, personally appeared Lewis J. Raemon, Business Manager of The Anniston Star, a daily newspaper published at Anniston, in said state and county, who being duly sworn, deposes and says that the attached notice, relative to An Act To Be Introduced At The Present Session Of The Legislature by R. Clarence Williams, was published in The Anniston Star on September 3rd, 10th, 17th and 24th, 1932.

LEWIS J. RAEMON.

Sworn to and subscribed before me this the 27th day of September, 1932.

(Seal)

CLARA B. WRIGHT,
Notary Public.

Also:

By Mr. Kelly of Conecuh:

H. 533. To require the County Board of Education of Conecuh County, Alabama, to pay out of the School Funds of said County all expenses of County Superintendent's Office and all expenses of taking school census and to relieve the Board of Revenue from paying for same.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

State of Alabama, Conecuh County.

Public notice is hereby given that Conecuh County and the Board of Revenue of said County intend to apply to the next approaching Session of the Legislature of Alabama at Montgomery for the enactment of a Local Law, the substance of which proposed law is as follows:—

A BILL

Entitled, An Act,—To require the County Board of Education of Conecuh County, Alabama, to pay out of the School funds of said County all expense of the County Superintendent's Office and all expenses of taking school census and to relieve the Board of Revenue from paying for same.

Be It Enacted by the Legislature of Alabama:—

Section One:—That the County Board of Education of Conecuh County, Alabama, shall pay out of the School funds of said County all expense of the County Superintendent's Office, including stamps, stationery, office supplies, office equipment, and for taking the school census and that the Board of Revenue of said County shall be released from payment of same.

Section Two:—That this act shall go into effect immediately upon its approval by the Governor.

Section Three:—That all laws and parts of laws, both general or local, in conflict with the provisions of this act are hereby expressly repealed.

That this notice has been published without cost to the State in Conecuh County, Alabama, where the matter or thing to be affected is situated, and published once a week for four consecutive weeks in a newspaper published in said Conecuh County, Ala., and prior to the introduction of the Bill and above described law into the Legislature of Alabama. Made and dated on this the 12th day of August, 1932.

Conecuh County, Alabama, and The Board of Revenue of Conecuh County, Alabama.

By M. C. BROOKS,
Chairman of Said Board.

State of Alabama, }
Conecuh County. }

Personally appeared before me, a Notary Public in and for said State and County, R. G. Bozeman who, being by me duly sworn, deposes and says that he is publisher of The Evergreen Courant, a newspaper published in Evergreen, in Conecuh County, Alabama, and that the attached notice was

published for four consecutive weeks in said newspaper commencing on the 18th day of August, 1932, and ending on the 8th day of Sept., 1932.

R. G. BOZEMAN,
Publisher.

Sworn to and subscribed before me this the 27th day of Sept., 1932.

MARY M. CROOK,
Notary Public.

Also:

By Mr. Ward and Mr. Glover of Henry:

H. 536. To create the office of Road Supervisor for Henry County, Alabama; to prescribe the qualifications, powers, authorities and duties of said supervisor, to provide for his election and or appointment and the election and or appointment of his successor; fix his term of office and salary and to require him to give surety bond.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama, }
Henry County. }

Before me, the undersigned authority, in and for said County, in said State, personally appeared J. P. Mitchell, editor of the Wiregrass Farmer, a newspaper published in the town of Headland, Henry County, Alabama and who being first duly sworn, deposes and says:

I am the editor of the Wiregrass Farmer, a newspaper published weekly in the town of Headland, Henry County, Alabama and I do certify that the following notice, to-wit:

NOTICE

Notice is hereby given that application will be made at the present extra session of the Legislature of Alabama for the introduction and passage of the following bill for Henry County, Ala.:

A BILL TO BE ENTITLED AN ACT

To create the office of road supervisor of Henry County, Ala., to prescribe the qualifications, power, authorities and duties of said supervisor; to provide for his election and or appointment and the election and or appointment of his successor, fix his term of office and salary; and require him to give surety bond.

Was published once a week for four consecutive weeks in said paper, commencing on the 25th day of August, 1932 and expiring on the 22nd day of September, 1932.

J. P. MITCHELL,
Editor of The Wiregrass Farmer.

Sworn to and subscribed before me this 26th day of September, 1932.

J. B. JOHNSON,
Notary Public, Henry County, Ala.

Also:

By Mr. Ward and Mr. Glover of Henry:

H. 537. To provide for the division of Henry County, Alabama, into four Commissioners Districts; to define the boundary lines of

such Districts by showing the beats composing each of such Districts; to provide for the election of one Commissioner from each of said Districts, to fix their terms of office; to prescribe their qualifications, powers and duties; to fix their salaries, terms of office and filling of vacancies; to fix the date of their election; to require said Commissioners to give bond; and to further prescribe the powers, and duties of said Commissioners Court.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama, }
Henry County.

Before me, the undersigned authority, in and for said County, in said State, personally appeared R. M. Fuller, editor and owner of the Abbeville Herald, a newspaper published in the town of Abbeville, Henry County, Alabama, and who being first duly sworn, deposes and says:

I am editor and owner of the Abbeville Herald, a newspaper published weekly in the town of Abbeville, Henry County, Alabama and I hereby certify that the following notice, to-wit:

NOTICE

Notice is hereby given that application will be made at the present extra session of the Legislature for introduction and passage of a bill for Henry County, Alabama, as follows:

A BILL TO BE ENTITLED, AN ACT

To provide for the division of Henry County, Alabama into four Commissioners Districts, to define the boundary lines of such districts by showing the beats composing each of such districts; to provide for the election of one Commissioner from each of said Districts, to fix their terms of office, to prescribe their qualifications, powers and duties; to fix their salaries, terms of office and the filling of vacancies, to fix the date of their election, to require said Commissioners to give bond, and to further prescribe the powers and duties of said Commissioners court.

Was published once a week for four consecutive weeks, in said newspaper, viz: August 25th, September 1st, September 8th, September 15th and September 22nd, 1932.

R. M. FULLER,

Editor and Owner of The Abbeville Herald.

Sworn to and subscribed before me this, September 26th, 1932.

E. C. GLOVER,

Notary Public, Henry County, Ala.

Also:

By Mr. Holland:

H. 550. To authorize, empower and direct the Board of Revenue or Court of County Revenues or other like governing body for Lawrence County, Alabama to provide for and furnish to Deputy or County Solicitors for said County suitable office space in the Courthouse of said County, and office supplies, stationery and telephone for said office and to provide for the renting of such offices in the town of the County Site of Lawrence County, Ala-

bama, if in their judgment proper office space is not available in the Courthouse, and to pay for said rent, office supplies, stationery and telephone by warrants drawn by the Judge of the Probate Court as Chairman of the Board of Revenue or Court of County Revenues, or other like governing body for said County, and payable out of the general funds of said County.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama, }
Lawrence County }

Notice is hereby given that the undersigned Jerry Holland, Representative from Lawrence County, Alabama, will, during the present session of the Legislature of Alabama introduce and apply for the passage of a local act, the substance of which will be as follows:

AN ACT

To authorize, empower and direct the Board of Revenue or Court of County Revenues or other like governing body for Lawrence County, Alabama to provide for and furnish to Deputy or County Solicitors for said county suitable office space in the Court House of said county, and office supplies, stationery and telephone for said office and to provide for the renting of such offices in the town of the County Site of Lawrence County, Alabama, if in their judgment proper office space is not available in the Courthouse and to pay for said rent, office supplies stationery and telephone by warrants drawn by the Judge of the Probate Court as Chairman of the Board of revenue or Court of County Revenues for said county and payable out of the general fund of said county.

Dated this the 23rd. day of August, 1932.

JERRY HOLLAND,
Representative Lawrence County, Alabama.

Moulton, Ala., Sept. 29, 1932

The State of Alabama }
Lawrence County }

Before me, Rosa Lee Langley, A Notary Public in and for said State and County, on this day personally appeared J. D. L. Byars, who being sworn in due form of law says, that he is Editor of The Advertiser, a weekly newspaper published in Moulton, Lawrence County, Alabama, and as such Editor he published in said newspaper the attached notice for 4 consecutive weeks beginning Aug. 25, 1932, and ending Sept. 15, 1932, as required by law.

J. D. L. BYARS,
Editor.

Sworn to and subscribed before me this the 29th day of Sept., 1932.

ROSA LEE LANGLEY,
Notary Public.

(Seal)

Also:

By Mr. Glover of Henry:

H. 559. To provide that in all cases where the prosecution is commenced in the Justice Court or in the County Court of Henry County, Alabama, and the defendant is acquitted in the Circuit Court of said County, all costs and fees accruing to the Sheriff and to the Clerk of the Circuit Court of said County, in the dis-

charge of their official duties, respectively, in the trial and conduct of such prosecution, shall where payment thereof is not otherwise provided for, be charged against the fine and forfeiture fund of the County, to be paid out of such fund, in the manner and as now provided for the payment of other claims therefrom; to provide for the payment from the fine and forfeiture fund of the County, all such outstanding claims now held by such officials from the fine and forfeiture fund, and to confirm, ratify, validate, make legal, effective and binding, all payments from said fund of all such claims heretofore made therefrom.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama }
Henry County }

Before me, John R. Thornton, Jr., A Notary Public, personally appeared Mr. R. M. Fuller, who is known to me, and who by me first being duly sworn, deposes and says that he is the Editor and Publisher of The Abbeville Herald, a weekly newspaper published at Abbeville, in Henry County, Alabama, and that the following notice, to-wit:

NOTICE

Notice is hereby given that application will be made at the present extra session of the Legislature of Alabama for introduction and passage of the following local bills for Henry County, Alabama:

To provide that in all cases where the prosecution is commenced in the Justice Court or in the County Court of Henry County, Alabama and the defendant is acquitted in the Circuit Court of said County, all costs and fees accruing to the Sheriff and to the Clerk of the Circuit Court of said County, in the discharge of their official duties, respectively, in the trial and conduct of such prosecution shall, where payment thereof is not otherwise provided for, be charged against the fine and forfeiture fund of the County, to be paid out of such fund in the manner and as now provided for payment of other claims therefrom; to provide for the payment from the fine and forfeiture fund of the County all outstanding claims now held by such officials from the fine and forfeiture fund and to confirm, ratify, validate, make legal, effective and binding all payments from said fund of all such claims heretofore made therefrom. Done by order of Commissioners Court.

This August 23, 1932

H. W. OWENS,
Judge of Probate.

was published in said newspaper for five consecutive weeks, on to-wit, August 25, September 1, Sept. 8, and Sept. 15, and Sept. 22, 1932.

R. M. FULLER,
Editor and publisher, The Abbeville Herald.

Sworn to and subscribed before me, this the 1st day of October, 1932.

JOHN R. THORNTON, JR.,
Notary Public.

(Seal)

Also:

By Mr. Holland:

H. 567. To amend Section 5 of an Act entitled an Act to establish a Court of County Revenues for Lawrence County, and to

define its duties and powers, approved December 1, 1898 and as amended by an Act approved 6th. day of September, 1927 and to provide for the payment of services of members of the Court of County Revenues out of the gasoline funds for Lawrence County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

State of Alabama
Lawrence County

Pursuant to the requirements of the Constitution of the State of Alabama notice is hereby given that a local bill will be introduced in the Legislature of Alabama during the present session by Jerry Holland, member of the Legislature of Alabama from Lawrence County, the substance of which will be:

AN ACT

To amend Section 5 of an Act entitled an Act to establish a Court of County Revenues for Lawrence County, and to define its duties and powers, approved December 1, 1898 and as amended by an Act approved 6th day of September 1927, and to fix pay for services of members of said Court of County Revenues for Lawrence County, Alabama and to provide the amount to be paid to them per day and per mile while going to and returning from their respective court and in letting out, inspecting and repairing or building of county bridges and to provide for the payment thereof out of the general funds of the County Treasurer or County Depository for said county and to provide further for authorizing and directing members of said Court to supervise the grading or building of county roads and bridges and to provide for their pay while occupied in grading or building of county roads and bridges when authorized to do so by said Court of County Revenues for Lawrence County out of the gasoline funds for said county and to place a limitation on the amount that each commissioner may draw per year out of said gasoline funds, and to provide further that if any section, paragraph, clause or provision of said bill shall be declared unconstitutional or invalid by any Court of competent jurisdiction the same shall not affect any other section, paragraph, clause or provision not specifically invalidated, and to provide further that all special local, or general laws in conflict therewith shall be expressly repealed in so far as they relate to Lawrence County.

Dated this the 29th day of August, 1932.

J. HOLLAND,

Member of the Legislature from Lawrence County, Alabama.

Molton, Ala., Sept. 29, 1932.

The State of Alabama,
Lawrence County.

Before me, Rosa Lee Langley, a Notary Public in and for said state and county, on this day personally appeared J. D. L. Byars, who being sworn in due form of law says, that he is Editor of The Advertiser, a weekly newspaper published in Moulton, Lawrence County, Alabama, and as such Editor he published in said newspaper the attached notice for 4 consecutive weeks beginning Sept. 1, 1932, and ending Sept. 22, 1932, as required by law.

J. D. L. BYARS,

Editor.

Sworn to and subscribed before me this the 29th day of Sept., 1932.

ROSA LEE LANGLEY,

(Seal)

Notary Public.

Also:

By Mr. Granade:

H. 570. To amend Section 9 of the Local Acts of the Legislature of Alabama of 1911, at pages 275 and 276, entitled an Act to establish an Inferior Civil Court in lieu of Justice of the Peace for all precincts lying within or partly within the City of Mobile, approved April 15, 1911, as amended by the Local Acts of the Legislature of Alabama of 1923, at page 216, entitled an Act to amend Section 7 of an Act entitled an Act to establish an Inferior Civil Court in lieu of Justices of the Peace for all precincts lying within or partly within the City of Mobile, said amendment of 1923 having been approved on the 24th day of September, 1923.

With notice and proof thereto attached and herewith exhibited as follows:

(By Dr. Granade, Representative, Mobile County)

LEGAL NOTICE

Notice is hereby given that application will be made to the special session of the Legislature convened by call of the Governor on to-wit the 16th day of August, 1932, for the passage of a local law providing in substance as follows:

A BILL To be Entitled AN ACT

To amend Section 9 of the Local Acts of the Legislature of Alabama of 1911, at pages 275 and 276, entitled an Act to establish an Inferior Civil Court in lieu of Justice of the Peace for all precincts lying within or partly within the City of Mobile, approved April 15, 1911, as amended by the Local Acts of the Legislature of Alabama, of 1923, at page 216, entitled an Act to amend Section 7 of an Act entitled an Act to establish an Inferior Civil Court in lieu of Justices of the Peace for all precincts lying within or partly within the City of Mobile, said amendment of 1923 having been approved on the 24th day of September, 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 9 of the Local Acts of the Legislature of Alabama, 1911, at pages 275 and 276, of an Act to establish an Inferior Court in lieu of Justices of the Peace for all precincts lying within or partly within the City of Mobile, approved April 15, 1911, as amended by the Local Acts of the Legislature of Alabama of 1923, at page 216, by an Act entitled an Act to amend Section 7 of an Act entitled an Act to establish an Inferior Civil Court in lieu of Justices of the Peace for all precincts lying within or partly within the City of Mobile, approved September 24, 1923, be and the same is hereby amended to read as follows:

Section 9. It shall be the duty of the clerk of said court to keep a docket of all the civil cases brought before this court, such as is now required by law to be kept by justices of the peace. He shall have authority to issue all necessary summons upon complaint being filed in said court and all other civil process which justices of the peace are required or empowered by law to issue. He shall have authority to swear witnesses at the trial of all civil cases in said court. It shall be the duty of said clerk to tax and collect in each civil case the same costs, fines and fees, for the services of the judge and clerk and sheriff and witnesses as are provided under the laws of Alabama for justices of the peace and sheriffs. The sheriff's fees collected by said court

shall be paid over to the sheriff on the first Monday of each month. Any money paid to said clerk on judgments rendered in said court shall be paid to the plaintiff or his attorney on demand. All the costs and fees allowed the judge and clerk of said court and all the witness fees shall be collected by the said clerk; and all the costs and fees collected by said clerk shall be paid by said clerk into the county treasury the first Monday of each month, provided that, the witness fees assessed and collected by the clerk shall be retained by him and paid over to the witness entitled to the same. The clerk of said court shall attend upon the duties of said court at such hours as are designated by the judge thereof, and shall perform such other clerical duties as may be prescribed by the judge of said court. The clerk shall receive a salary of \$2,400 per annum payable in twelve monthly installments out of the county treasury of Mobile County, in full for all services performed as clerk of said court.

Section 2. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

State of Alabama, }
County of Mobile. }

Personally appeared before me, Carl M. Smith, a Notary Public in and for said State and County, J. G. McDonnell, who is known to me, and who, being by me first duly sworn, deposes and says as follows:

My name is J. G. McDonnell and I am Clerk of the Mobile Register, a newspaper published in the City and County of Mobile, State of Alabama, by the Mobile Daily Newspapers, Inc., and I hereby certify that the above attached notice was published in the Mobile Register, a newspaper published in the City and County of Mobile, State of Alabama, for four consecutive weeks on the following dates, viz:

September 6, 1932, September 13, 1932, September 20, 1932 and September 27, 1932, respectively, and same being published without cost to the State of Alabama.

J. G. McDONNELL.

Subscribed and sworn to before me this 29th day of September, 1932.

CARL M. SMITH,

Notary Public, Mobile County, Alabama.

(Seal)

Also:

By Mr. Sossaman:

H. 572. A bill to be entitled an Act to provide for and submit to the qualified electors of the State of Alabama, at an election to be held on the first Tuesday after the first Monday in November 1934 which is more than three months after the final adjournment of the present session of the Legislature at which the amendment is proposed, an amendment to the Constitution of Alabama declaring that from and after its adoption the Legislature may by general or local law without prior publication of notice or advertisement, fix, regulate and alter the salary, fees or compensation of any officer holding any civil office of profit under the City of Mobile, and may increase or diminish same during the term for which said officers shall have been elected or appointed, and that upon the adoption of said amendment the salary of each commissioner of the City of Mobile shall be \$4,000.00 per year until the legislature shall otherwise fix the salary of said officers.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama, for their consideration at an election to be held at the general election to be held on the first Tuesday after the first Monday of November 1934, which is more than three months after the final adjournment of the present session of the Legislature at which this amendment is proposed, to-wit:

The Legislature of Alabama may hereafter, from time to time, by general or local laws without prior publication of notice or advertisement, fix, regulate and alter the salary, fees or compensation of any officer holding any civil office of profit under the City of Mobile, and may increase or diminish same during the term for which said officers shall have been elected or appointed. Upon the adoption of this amendment to the Constitution the salary of each Commissioner of the City of Mobile shall be \$4,000.00 per year until the Legislature shall otherwise fix the salary of said officers.

Section 2. That notice of the election hereby ordered, with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each County in the State, for at least 8 successive weeks next preceeding the date hereby appointed for such election.

Section 3. That at the general election to be held on the first Tuesday after the first Monday of November 1934 which is more than three months after the final adjournment of the present session of the Legislature at which this amendment is proposed, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballots used at such election shall be printed the following, viz:—

“Shall the following be adopted as an amendment to the Constitution of the State of Alabama:

The Legislature of Alabama may hereafter, from time to time, by general or local laws without prior publication of notice or advertisement, fix, regulate and alter the salary, fees or compensation of any officer holding any civil office of profit under the City of Mobile, and may increase or diminish same during the term for which said officers shall have been elected or appointed. Upon the adoption of this amendment to the Constitution the salary of each Commissioner of the City of Mobile shall be \$4,000.00 per year until the Legislature shall otherwise fix the salary of said officers.”

Following the proposed amendment on the ballot shall be printed the word “Yes”, and immediately under that shall be printed the word “No”. The choice of the elector shall be indicated by a cross mark by him opposite the word expressing his desire. Officers of said election shall be appointed and said election shall be held in all things in accordance with the laws governing general elections and the constitutional provisions respecting amendments to the Constitution. In the election so held upon such proposed amend-

ment the votes cast thereat shall be canvassed and tabulated, and returns thereof be made to the Secretary of State, and counted in the same manner as in elections for Representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon such proposed amendment voted in favor of the same, said amendment shall be valid to all intents and purposes as part of the Constitution of Alabama. The result of said election shall be made known by proclamation of the Governor.

Also:

By Mr. Kelly of Talladega:

H. 286. To create the Jefferson M. Falkner Preventorium, to provide for a board of trustees therefor and to define the duties and powers of such Board, and fixing the terms of office of the members thereof; to provide for a superintendent of such Preventorium, and to define his rights, duties, and powers; to provide for the fixing of charges for the patients or inmates admitted to said Preventorium, and for the payment of the same, and that the State Board of Health and Alabama Committee of Public Health shall advise and cooperate with said Board of Trustees and Superintendent; to permit the use for such purposes of any part of the Jefferson M. Falkner Soldiers Home at Mountain Creek, Alabama, not needed for the use of the inmates of the said Soldiers Home; and to permit the delivery to said Preventorium for use therein of any live-stock, poultry, farm or dairy products belonging to the State, at the discretion of the Governor, for such purposes.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House message were severally read once and referred to appropriate Standing Committees as follows:

House Bills 237, 315, 473, 474, 482, 490, 496, 497, 498, 499, 502, 532, 533, 536, 537, 550, 559, 567, and 570 to the Committee on Local Legislation.

H. 479, to the Committee on Finance and Taxation.

H. 413, to the Committee on Judiciary.

H. 572, to the Committee on Constitution and Constitutional Revision and Amendments.

H. 286, to the Committee on Military.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 88. To redefine the duties of the State Auditor; to relieve the State Auditor of certain duties now imposed by law; to transfer certain of such duties as are now by law required of the State Auditor to the State Tax Commission, and/or State Commission of Forestry and/or the Office of State Comptroller.

Also:

S. 185. 'To amend Section 14 of an Act entitled "An Act to establish in precinct one in Madison County, Alabama, an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in said precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said court and the judge thereof", approved April 4, 1911.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-first Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and, on motion of Mr. Farmer, same was concurred in and the Journal of the Senate for the Twenty-first Legislative Day approved.

ADJOURNMENT

At 12:55 P. M., on motion of Mr. Shepherd, and pursuant to Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, October 11th, 1932, at 11 A. M.

TWENTY-SECOND DAY

Tuesday, October 11th, 1932.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill, presiding.

PRAYER

By Dr. Richard Wilkerson of Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:

Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Jordan	Riddle
Bonner	Farmer	Kelley	Scruggs
Brown	Faulk	Lapsley	Shepherd
Cooper	Fletcher	McDaniel	Teasley
Cowart	Goodwin	McDowell	Walker
Craft	Hildreth	Milisap	Warren
Darden	Hooton	Mullins	Wike
Delony			

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JOURNAL

On motion of Mr. Beasley, the reading of the Journal of yesterday was dispensed with and the same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Hooton:

S. 222. To amend Section 1 of an act entitled "to transfer the jurisdiction of the juvenile courts in all counties of thirty-five thousand population or less according to the last or any subsequent Federal Census to county inferior courts that are now or have been or may hereafter be established in any such counties," approved July 22, 1931, by providing that such Act shall not apply to counties which now have or may hereafter have a population of less than twenty-five thousand inhabitants according to the last or any subsequent Federal Census, and to provide for the transfer of the juvenile court jurisdiction in such counties to the Probate Courts thereof.

Committee on Local Legislation.

By Mr. Teasley:

S. 223. To amend Section 10358 of the Code of Alabama of 1923.

Committee on Banking & Insurance.

By Mr. Craft:

S. 224. Abolishing Juvenile Courts in counties which have now, or have hereafter, a population of not less than One Hundred and Ten Thousand, nor more than Three Hundred and Fifty Thousand, according to the last, or any succeeding Federal Census.

Committee on Local Legislation.

By Mr. Craft:

S. 225. To create a division in circuit courts in counties of the State which now, or in future, have a population of not less than One Hundred and Ten Thousand and not more than Three Hundred and Fifty Thousand, according to the last Federal Census and any succeeding Federal Census.

Committee on Local Legislation.

By Mr. Craft:

S. 226. To require the Board of Revenue and Road Commissioners of Mobile County, Alabama, to provide towards the support, maintenance, and operation of the Mobile Public Library the sum of one thousand two hundred fifty dollars on the first day of January, the first day of April, the first day of July, and the first day of October in each calendar year after the year 1932, so long as the Mobile Library Board shall maintain a free circulating library in Mobile County for the use of the citizens thereof.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE.

Notice is hereby given that application will be made to the special session of the Legislature convened by call of the Governor on to-wit the 16th day of August, 1932, for the passage of a local law providing in substance as follows:

A BILL TO BE ENTITLED AN ACT

To require the Board of Revenue and Road Commissioners of Mobile County, Alabama, to provide towards the support, maintenance, and operation of the Mobile Public Library the sum of one thousand two hundred fifty dollars on the first day of January, the first day of April, the first day of July, and the first day of October in each calendar year after the year 1932, so long as the Mobile Library Board shall maintain a free circulating library in Mobile County for the use of the citizens thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to Mobile County, in the State of Alabama. The words "governing body of Mobile County" as used in this act shall include boards of revenue and road commissioners, courts of county commissioners, and other like governing bodies of such county now existing or hereafter created, having the powers of boards of revenue and road commissioners and courts of county commissioners.

Section 2. The governing body of Mobile County shall, on the first day of January, the first day of April, the first day of July, and the first day of October, in each calendar year after the year 1932, so long as the Mobile Library Board shall maintain a free circulating library in Mobile County for the use of the citizens thereof, direct the Treasurer of Mobile County to set apart and

pay over to the Mobile Library Board the sum of one thousand two hundred fifty dollars towards the support, maintenance, and operation of the Mobile Public Library.

Section 3. The Mobile Library Board shall have full power and authority to control the expenditures of the amounts thus paid for the use, maintenance, and operation of the Mobile Public Library in operating a free circulating library for the use of the citizens of Mobile County and otherwise shall have full authority and power to manage and control the said library in order to carry out the full intent and purpose of this act; a careful and complete record and set of books shall be kept by the Mobile Library Board showing the receipt and disbursement in detail of the funds thus appropriated, and a report taken from the books showing the receipts and disbursements shall be submitted annually to the governing body of Mobile County.

Section 4. This act shall take effect upon its approval by the Governor, and all laws in conflict herewith are hereby repealed.

J. G. McDonnell being sworn, says that he is Clerk of The Mobile Press, a daily newspaper printed and published in the City of Mobile, in the State of Alabama.

That the advertisement attached appeared in the issues of Aug. 26, Sept. 2, 9, 16, 1932.

J. G. McDONNELL.

Sworn to and subscribed before me this 10th day of Oct. 1932.

CARL M. SMITH,
Notary Public.

(Seal)

REPORTS OF COMMITTEES

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Darden (with notice and proof):

S. 218. To abolish the Commissioners' Court of Coosa County, Alabama, and to create in lieu thereof a County Board of Revenue to consist of four members; to provide for the election or appointment of the Members of the Board of Revenue and to define their terms of office; to prescribe their qualifications and to define their duties and limit their powers; to provide for their compensation and to provide for the manner of paying the same; to provide that Members of the Board of Revenue of Coosa County, Alabama, shall execute a good and solvent bond for the faithful discharge of the duties of their offices before entering upon the duties thereof in the sum of Three Thousand Dollars; to make said Board of Revenue of Coosa County, Alabama, a Court of Record when passing upon judicial matters, and to prohibit executive or closed sessions of the Board of Revenue of said County; to require the Board of Revenue of Coosa County, Alabama, to purchase all motor fuels and oils and machinery for the county and all other supplies and material for the county from the lowest responsible bidder, and to provide that Board of Revenue of Coosa County, Alabama, shall

be governed by all local and general laws not in conflict with the provisions of this Act.

By Mr. Darden (with notice and proof):

S. 219. To provide one chief deputy sheriff of Coosa County, Alabama; to fix his salary, payable out of the general funds in equal monthly payments on warrants to drawn by the Probate Judge on the general funds of the county which shall constitute a preferred claim against the general funds of the county; to require the chief deputy sheriff to reside at Rockford and to be under the direct supervision of the Sheriff of the Coosa County, Ala., and to require the Chief deputy sheriff to execute a bond payable to and approved by the Sheriff of the County for the faithful performance of his duties as chief deputy sheriff of Coosa County, Ala.

By Mr. Lovelace (with notice and proof):

H. 500. To fix the salary of the Tax Assessor of Tallapoosa County, and to provide for clerical assistance and other expenses in said office; to fix the salary of the Tax Collector of Tallapoosa County, and to provide for clerical assistance and other expenses in said office; to require each of said officers to collect all the fees, compensations and allowances, heretofore collected by said officials, and to pay same into the County Treasury, and to provide for the payment of the salary, clerical assistance, and other office expense out of the general funds of the County.

LEAVE OF ABSENCE

On motion of Mr. Duncan, leave of absence was granted Mr. Garrett for to-day.

On motion of Mr. Hubbard, leave of absence was granted Mr. Caffey for to-day.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 88. To redefine the duties of the State Auditor; to relieve the State Auditor of certain duties now imposed by law; to transfer certain of such duties as are now by law required of the State Auditor to the State Tax Commission, and/or State Commission of Forestry and/or the Office of State Comptroller.

S. 131. To amend Section One of an Act approved July 17, 1931, entitled "An Act to provide for the quarterly publication by the city clerk of Athens, Alabama, of an itemized report of the receipts and expenditures of said city of Athens, Alabama, for each preceding three months, and to provide penalty for failure to observe said law."

S. 155. To amend an Act entitled An Act passed over the Governor's Veto on June 9th, 1931, which Act created and established, "The Inferior Court of Randolph County, defined its jurisdiction, provided for the Officers of said Court and for the manner of their selection or election, etc., and abolished the County Court of Randolph County, and the office of County Solicitor" by providing in said Act that the Clerk of said Inferior Court shall receive in addition to the fees therein provided Ex Officio Fees in the same amount that the Clerk of the Circuit Court receives and to provide for the manner and payment thereof.

S. 171. To amend an Act entitled: "An Act to create and establish an inferior statutory court in Limestone county, Alabama to be called The Municipal Court of Limestone county; to provide for and define the jurisdiction and powers of such court; to provide for a judge thereof and other officers, their term of office and the manner of the selection of such officers, and their powers, duties and compensation; to fix and define the fees and costs chargeable in said court; to provide rules of procedure in such court; to provide for registering of its judgments and the lien of such judgments, and to provide for the transfer of causes from any abolished court having the same jurisdiction to this court when created and established".

S. 172. To amend an Act "To abolish the Board of Revenue of Walker County, Alabama, and to establish in lieu thereof a County Commission; to provide when said Board of Revenue shall be abolished and said County Commission established; to provide the number of members and who shall constitute the members of said County Commission, and to prescribe their terms of office, authority, powers and duties and fix their compensation; to provide for the selection and election of said members and to repeal all laws and parts of laws in conflict herewith," approved June 13, 1931, said Act to be amended so as to read as follows:

AN ACT to abolish the Board of Revenue of Walker County, Alabama and to establish in lieu thereof a County Commission; to provide when said Board of Revenue shall be abolished and said County Commission established; to provide the number of members and who shall constitute the members of said County Commission, and to prescribe their terms of office, authority, powers and duties and fix their compensation; to provide for the selection and election of said members and to repeal all laws and parts of laws in conflict herewith.

S. 175. To relieve the Tax Assessors of all the Counties in the State of Alabama, where there are no local laws providing to the contrary, from the duty of preparing a book of assessments, and in lieu thereof to arrange in alphabetical order, according to Beats, the original assessment lists, and have same permanently bound and kept as a permanent record, and prepare the Tax Collector's ab-

stracts from said assessment lists, and to repeal all laws in conflict herewith, except local laws.

S. 185. To amend Section 14 of an Act entitled "An Act to establish in precinct one in Madison County, Alabama, an inferior court in lieu of all justices of the peace and notaries public with the powers of a justice of the peace in said precinct, to be known as the Inferior Court of Huntsville, to define the jurisdiction and powers of said court and the judge thereof", approved April 4, 1911.

S. 189. To amend Sub-division 2 of Section 834 of the Code of Alabama of 1923.

T. A. Goodwin,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report of committee on enrolled bills.

BILL TAKEN FROM ADVERSE CALENDAR

In accordance with his notice given on a former Legislative Day, Mr. Bonner moved to take from the Adverse Calendar, have the same read a second time, and placed on the regular calendar, the bill:

S. 188. To provide for the expenses incurred by members of the Legislature of Alabama while in attendance upon sessions of the Legislature.

Which motion prevailed, and said bill was taken from the Adverse Calendar, read a second time, and placed on the Regular Calendar for a third reading.

Yeas, 25; nays, 7.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Cooper
Coward
Darden
Duncan

Edmundson
Farmer
Faulk
Fletcher
Goodwin
• Hildreth

Hooton
Hubbard
Jordan
Kelley
McDowell
Millsap

Mullins
Powell
Scruggs
Teasley
Walker
Wikle

—25

Nays:

Messrs.:

Brown
Craft

Delony
Lapsley

Riddle
Shepherd

Warren

— 7

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and sends same herewith to the Senate.

By Mr. Allen:

H. 399. To amend Section 3040 of the 1923 Code of Alabama.

Also:

By Mr. Culver:

H. 420. To amend Section 3048 of the 1923 Code of Alabama.

Also:

By Mr. Givhan:

H. 82. In reference to and to further provide for the general revenue of the State of Alabama.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate standing committee as follows:

House Bills 399, 420, and 82 to the Committee on Finance and Taxation.

OPINION OF SUPREME COURT

October 8, 1932.

To The Senate Of Alabama:

Replying to Senate Resolution 68 asking the Justices of the Supreme Court for an opinion as to the constitutionality of an Act of 1927, Page 653, as amended by the Act of 1931, Page 244, will say:

The statute authorizing opinions of the Justices, upon request of the Governor or either branch of the Legislature, contemplates that it shall relate to pending or prospective legislation and not laws that have been enacted, and are upon the statute books, and have been acted under for a considerable period.

The only way to test such laws is by an advisory proceeding where the interested parties have a right to appear and be heard in the courts.

Again, the act in question is not of such a grave and statewide importance as to come within the purpose of the act authorizing an opinion by the Justices, it being purely a local matter of no statewide importance.

I am therefore directed by the Justices to decline answering your resolution.

Respectfully,
JOHN C. ANDERSON,
Chief Justice.

OPINION

The foregoing opinion was read and ordered spread upon the Journal.

UNFINISHED BUSINESS

The Senate proceeded to consider the unfinished business of the last Legislative Day, which was the bill:

H. 72. In reference to and to further provide for the general revenue of the State of Alabama.

And the following substitute therefor offered by Mr. Scruggs to-wit:

Substitute for H. 72:

A BILL

To be entitled An Act in reference to and to further provide for the general revenue of the State of Alabama.

Be it enacted by the Legislature of Alabama:

SECTION 1.—Each and every person, firm, company, corporation, wholesaler, jobber, distributor who sells and/or stores and/or receives for the purpose of distribution, or manufacturers for sale to any person, firm, corporation, club or association within the State of Alabama any beverage, in which hops, malt or other light ingredients are used, any of them now or hereafter authorized by the laws of Alabama, shall, for the privilege of engaging in such business, in addition to any and all other State licenses or taxes required to be paid, pay to the State Tax Commission a license of Three (3) cents per pint on each and every pint thereof received for the purpose of distribution, or sale, or manufactured for sale, which license shall be evidenced on each and every bottle of such beverage, liquid, drink or refreshment, by an appropriate license stamp label, or crown, prepared and furnished by the State Tax Commission.

SECTION 2.—Each and every person, firm, corporation, co-partnership, or association, other than a manufacturer for sale engaging in the business of wholesaling, or otherwise selling them at retail to the public, in Alabama, any beverages, liquids, drinks, or refreshments, described in Section 1 of this Act, shall, for the privilege of engaging in such business, in addition to any and all other licenses or taxes required to be paid, pay to the State Tax Commission of Alabama, an annual license tax of One Hundred (\$100.00) Dollars.

SECTION 3.—Each and every person, firm, co-partnership, corporation, or association engaged in the business of selling at retail to the public, any cereal beverages, liquids, drinks or refreshments, described in Section 1 of this Act, shall, for the privilege of engaging in such business, in addition to all other licenses and taxes required by the State, pay annually, to the State Tax Commission a license tax of Ten (\$10.00) Dollars.

SECTION 4.—The State Tax Commission shall prepare or cause to be prepared and furnished monthly, or as often as needed, proper license stamp labels, or crowns to wholesalers, jobbers, dis-

tributors or manufacturers described in Section 1 of this Act, upon payment to said Commission of the proper license tax evidenced by the amount and number of such labels. And the State Tax Commission may make such rules and regulations as it deems proper for the distribution of such license stamp labels, and the proper labeling of products described in Section 1 of this Act, which rules shall not be in conflict with the laws of the State; Provided, further, that such rules and regulations shall first be submitted to the Attorney General of Alabama for his approval, whereupon such rules and regulations shall, when published by the State Tax Commission, have the force and effect of law.

SECTION 5.—Every wholesaler, jobber, distributor or manufacturer in this State shall, before shipping, delivering or sending out any of the beverages as defined in this Act to any retail dealer, person, firm or corporation in this State, or for sale in this State, cause the same to have the requisite denominations and amount of stamp, or crown to represent the tax, affixed as stated herein. Provided, that at the time of shipping or delivering any of the beverages defined and taxed herein, the said wholesaler, jobber, distributor or manufacturer shall make a true duplicate invoice of the same, showing the date, amount and value of each article shipped or delivered and retain a duplicate thereof, subject to the use of the State Tax Commissioner, his authorized agents and representatives, for two years.

SECTION 6.—The sum of Two Thousand (\$2,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the General Fund of the State Treasury not otherwise appropriated, to be available upon the taking effect of this Act and to be used by the State Tax Commission in defraying any expenses which may be incurred in the administration and in preparing to administer this Act before sufficient funds shall have been collected from license fees, as hereinbefore provided. As soon as a sufficient amount of license fees shall have been collected under the provisions of this Act, the Two Thousand (\$2000.00) Dollars hereby appropriated, or so much thereof as shall have been used, shall be returned to the General Fund. Whereas an emergency exists for the immediate taking effect of this Act, the same shall be in full force and effect from and after its passage.

SECTION 7.—Any and all expenses incurred by the State Tax Commission of this Act, shall be paid out of the money collected under the provisions herein.

SECTION 8.—All licenses or taxes paid into the State Tax Commission under the provisions of this Act shall be by it deposited into the State Treasury promptly upon receipt thereof, and such licenses or taxes shall constitute a special Trust Fund and shall be by the State Treasurer kept separate and apart from all other funds in an account denominated: "Special Education Trust Fund for Elementary Public Schools".

SECTION 9.—Any person, firm, or corporation knowingly violating any rule or regulation of the Tax Commission made pursuant to Section 4 of this Act, shall be guilty of a misdemeanor and, on conviction, shall be punishable by a fine of not less than One Hundred (\$100.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, or by imprisonment at hard labor for not more than six months, or by both such fine and imprisonment.

SECTION 10.—All laws and parts of laws in conflict with the provisions of this Act, are hereby repealed.

And the following substitute for the pending substitute, offered by Mr. Teasley to-wit:

Substitute for H. 72:

A BILL

To be entitled An Act in reference to and to further provide for the General Revenue of the State of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That this act may be cited as "The Emergency Revenue Act of 1932".

DEFINITIONS: That when used in this Act, the word "Officer" shall mean and include all officers where a commission issued in the name and by the authority of the State of Alabama is required before entering upon and exercising the duties of their respective offices. The word "employee" or "employees" shall mean and include all persons receiving a salary paid out of any appropriation made by the State of Alabama or any of the several counties, including appropriations made to any department, board or institution and all other persons receiving salaries from the State and the several counties not included in the above. The word "salary" shall mean and include any and all amounts received by any officer or employee, whether salary, fees, commissions, compensation, emoluments and ex officio fees for services and all other amounts received under and by virtue of the office for the personal use of any officer or employee, less any amount paid out in the conduct of the office. The words "department, board or Institution" shall mean and include every activity of the State of Alabama and the several counties thereof, where public money is appropriated for its maintenance. The word "person" or the word "company" herein used interchangeably, includes any individual, firm, copartnership, association or corporation or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context. The term "commission" means the State Tax Commission of the State of Alabama. The words "Tax year" or "taxable year" mean the calendar year. The words "Gross sales" include the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale. The word "taxpayer" means any person liable for taxes hereunder. The

words "gross receipts" mean the value proceeding or accruing from the sale of tangible, personal property, or service, or both, and all receipts actual and accrued, by reason of any business engaged in, including fees or other emoluments however designated (not including, however, interest, discounts, rentals or royalties) and without any deduction on account of the cost of the property sold, the cost of the material used, labor cost, or any other expenses whatsoever, and without any deductions on account of losses. The words "business, occupation, vocation, calling or profession" as used in this Act, shall include all activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect (except salaried employees), and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which sub-activities shall be considered business engaged in, taxable in the class in which it falls.

Section 1-a. Each and every person, firm, company, corporation or association of persons engaged in the business of manufacturing for sale any beverage, in which hops, malt or other light ingredients are used any of them, now or hereafter authorized by the laws of Alabama, shall, for the privilege of engaging in such business, in addition to any and all other state licenses or taxes required to be paid, pay to the State Tax Commission a license of three cents (3c) per pint on each and every pint thereof manufactured and sold, which license shall be evidenced on each and every bottle of such beverage, liquid, drink or refreshment, by an appropriate license stamp label prepared and furnished by the State Tax Commission.

Section 1-b. Each and every person, firm, corporation, co-partnership, or association, other than a manufacturer for sale engaging in the business of wholesaling, or otherwise selling them at retail to the public in Alabama, any beverages, liquids, drinks, or refreshments, described in Section 1-a of this act shall, for the privilege of engaging in such business, in addition to any and all other licenses or taxes required to be paid, pay to the State Tax Commission of Alabama, an annual license tax of Two Hundred (\$200.00) Dollars.

Section 1-c. Each and every person, firm, co-partnership, corporation or association, engaged in the business of selling at retail to the public any cereal beverages, liquids, drinks, or refreshments, described in Section 1-a of this act, shall, for the privilege of engaging in such business, in addition to all other licenses and taxes required by the State pay annually to the State Tax Commission, a license tax as follows: viz: In unincorporated places, and towns and cities of not over five thousand inhabitants, ten dollars; in towns and cities of five thousand and not over fifteen thousand inhabitants, fifteen dollars; in cities of fifteen thousand and not

over twenty-five thousand inhabitants, twenty dollars; in cities of twenty-five thousand inhabitants or more, twenty-five dollars.

Section 1-d. The State Tax Commission shall prepare or cause to be prepared and furnished monthly or as often as needed, proper license stamps labels to manufacturers described in Section 1-a of this act, upon payment to said Commission of the proper license tax evidenced by the amount and number of such labels. And the State Tax Commission may make such rules and regulations as it deems proper for the distribution of such license stamp labels, and the proper labeling of products described in Section 1-a of this act, which rules shall not be in conflict with the laws of the State; provided further that such rules and regulations shall first be submitted to the Attorney General of Alabama for his approval, whereupon such rules or regulations shall, when published by the State Tax Commission have the force and effect of law.

Section 1-e. All licenses or taxes paid into the State Tax Commission under the provisions of this Act shall be by it deposited into the State Treasury promptly upon receipt thereof, and such licenses or taxes shall constitute a special trust fund, and shall be, by the State Treasurer, kept separate and apart from all other funds in an account denominated "Special Education Trust Fund for Elementary Public Schools".

Section 1-f. Any person, firm, or corporation knowingly violating any rule or regulation of the Tax Commission made pursuant to Section 1-d of this Act shall be guilty of a misdemeanor and on conviction shall be punishable by a fine of not less than One Hundred (\$100.00) dollars, nor more than Five Hundred (\$500.00) Dollars or by imprisonment at hard labor for not more than six months, or by both such fine and imprisonment.

Section 1-g. There is also hereby levied for the use of each county in the State 50% of the amount of the State license or privilege tax levied herein for the use of the State under Section 1-b and 1-c of this Act.

Section 1-h. For the purpose of raising additional revenue to defray the expenses of the State Government, there is hereby levied, for the use of the State only, upon all officers holding any office of profit under the State of Alabama and the several counties thereof, for the fiscal years beginning October 1, 1932, October 1, 1933, and October 1, 1934, an annual occupation privilege or license tax, in amount equal to the following schedule of rates in excess of \$1200.00 of salaries received by such officers for the preceeding year, viz:

- \$1201.00 to \$2000.00 inclusive, at the rate of 5%
- \$2001.00 to \$3000.00 inclusive, at the rate of 10%
- \$3001.00 to \$4000.00 inclusive, at the rate of 15%
- \$4001.00 to \$5000.00 inclusive, at the rate of 20%
- \$5001.00 to \$6000.00 inclusive, at the rate of 25%
- \$6001.00 to \$7000.00 inclusive, at the rate of 30%
- \$7001.00 to \$8000.00 inclusive, at the rate of 35%

\$8001.00 to \$9000.00 inclusive, at the rate of 40%

\$9001.00 to \$10000.00 inclusive, at the rate of 45%

All over \$10,000.00 at the rate of 50%

Section 1-i. For the purpose of raising additional revenue to defray the expenses of the State Government, there is hereby levied, for the use of the State only, upon all employees of the State and the several counties thereof, including the executive officers and employees of all departments, boards and institutions where their salaries are paid out of appropriations made by the State, or the several counties thereof, for the fiscal years beginning October 1, 1932, October 1, 1933, and October 1, 1934, an annual occupation privilege or license tax, in amount equal to the following scale of rates in excess of \$1200.00 of salaries received by such employees during the preceeding fiscal year, viz:

\$1201.00 to \$2000.00 inclusive, at the rate of 5%

\$2001.00 to \$3000.00 inclusive, at the rate of 10%

\$3001.00 to \$4000.00 inclusive, at the rate of 15%

\$4001.00 to \$5000.00 inclusive, at the rate of 20%

\$5001.00 to \$6000.00 inclusive at the rate of 25%

\$6001.00 to \$7000.00 inclusive, at the rate of 30%

\$7001.00 to \$8000.00 inclusive, at the rate of 35%

\$8001.00 to \$9000.00 inclusive, at the rate of 40%

\$9001.00 to \$10000.00 inclusive, at the rate of 45%

All over \$10000.00 at the rate of 50%

Section 1-j. It shall be the duty of every person liable for taxes levied under this act to file with the State Tax Commission during the month of October, 1932, and during the month of October in each subsequent year, a statement under oath, in forms to be furnished by the Commission, showing in detail the amount of salary received by him during the preceeding year, the source from which it was received together with a detail statement of any amount paid out by him during the preceeding year in the conduct of his office showing for what purpose and to whom paid. Upon receipt of such statement, the Commission, if it finds same correct, shall compute the tax due under this act and notify the person filing such statement.

Section 1-k. If any person taxable under this Act fails or refuses to file the statement herein required or if the Commission is not satisfied with the correctness of any statement filed, he shall forthwith from the best information obtainable fix the basis for the ascertainment of the taxes due under this Act. The Commission shall have the same power and authority in the performance of its duty required under this Act as it has under the law for ascertaining the amount of other occupation privilege or license taxes due under the general laws of the State. Any person who knowingly makes a false statement herein required under oath shall be guilty of perjury.

Section 1-l. The tax herein levied shall be due and payable in monthly installments beginning November 1st, of each year. It shall be the duty of all disbursing officers of the State and the several counties to collect out of any monies due any person liable for tax under this Act the amount of the tax due by such person and remit same to the Commission, showing the amount collected and from whom received.

Section 1-m. Any person failing or refusing to pay the tax levied hereunder shall not be entitled to the payment of any warrant drawn in his favor by the State Auditor or by the Governing authorities of the several counties until all other warrants outstanding against the fund upon which his warrant is drawn has been paid.

Section 1-n. Any person liable for taxes under Sections 1-e and 1-h of this act who files with the Commission during the month of October, 1932, an instrument in writing making a voluntary reduction in his salary for the period covered by this Act and executing a legal waiver covering such reduction the Commission shall allow him credit for the amount of the voluntary reduction on the tax herein levied.

Section 1-o. Any person failing or refusing to make and file the statements herein required or who fails or refuses to pay the tax herein levied shall be ineligible and disqualified to hold any office of profit under this State or any county thereof or to hold any position or employment under this State or any county thereof during the next four years beginning the first Monday after the second Tuesday in the year 1935.

Section 2-a. That on and after the 1st day of December, 1932 there is hereby levied, in addition to all other taxes of every kind now imposed or otherwise imposed by this Act, and shall be collected for as herein provided, privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

Upon every person, firm or corporation engaged or continuing within this State in the business of mining and producing for sale or use, any gas, limestone, asphalt or other mineral products and timber, the amount of such tax to be in a sum equal to 1% of the value of the article produced, as shown by gross proceeds derived from the sale thereof by the producers (except as hereinafter provided).

Provided that the actual freight paid by the tax payer on such limestone, asphalt, timber or other mineral products or place of delivery shall be deducted from the gross proceeds of sales, if and when the same is sold on a delivered price.

The measure of this tax is the value of the entire production in this State, regardless of the place of sale or the fact that deliveries may be made to points outside the State.

Provided, however, that only persons engaged principally in the business of buying, logging and selling timber for commercial purposes (except as otherwise provided in Section 4) shall be required to pay a tax measured by the value of timber produced.

Provided that nothing in this Act shall be construed so as to require the use of any gross proceeds of sales in the measure of tax levied under this Section, that has been included in the measure of tax levied under Section 2-e or Section 2-f of an act "In reference to and to further provide for the General Revenue of the State of Alabama" approved July 22, 1927.

Section 2-b. Upon every person, firm, or corporation engaged or continuing in this state in the business of manufacturing, compounding or preparing for sale or use any article or articles, substance or substances, commodity or commodities, the amount of such tax to be equal to the rate on the gross proceeds derived from the sale thereof by the manufacturer or person compounding or preparing the same (except as hereinafter provided) as follows:

Manufacturers of brick, drain tile, building tile, pipe, portland cement, portland cement products and clay products at the rate of 2%; manufacturers of bottle soft drinks and ice factories 1%; cotton seed oil mills, fertilizer factories and all other manufacturers on whose gross receipts or sales a tax is not otherwise levied in this act, one fourth of 1%.

The measure of this tax is the value of the entire product manufactured, compounded, or prepared for sale, profit or use in this state, regardless of the place of sale or the fact that deliveries may be made to points outside the State. But the actual freight charges prepaid by the taxpayer, or included in the invoice price, on such manufactured products, to the place of delivery, shall be deducted in determining the value of such manufactured products to be used as the measure of the tax imposed in this section.

If any person liable for any tax under Sections 2-a or 2-b shall ship or transport his products or any part thereof out of the State without making sale of such products, the value of the products or articles in the condition or form in which they existed when transported out of the State and before they enter interstate commerce, shall be the basis for assessment of the tax imposed in said paragraphs; and the Commissioner shall prescribe equitable and uniform rules for ascertaining such value.

In determining value, however, as regards sales from one to another of affiliated companies or persons, or under other circumstances where the relation between the buyer and seller is such that the gross proceeds from the sales are not indicative of the true value of the subject matter of the sale, the Commissioner shall prescribe uniform and equitable rules for determining the value upon which such privilege tax shall be levied, corresponding as nearly as possible to the gross proceeds from the sale of similar products of like quality or character by the other taxpayers where no com-

mon interest exists between the buyer and seller, but otherwise under similar circumstances and conditions.

Section 2-c. Upon every person engaging or continuing within this State in the business of contracting, there is likewise hereby levied, and shall be collected an amount equal to one per cent of the gross receipts of the business.

Section 2-d. Upon every person, firm or corporation engaged or continuing within this State in business of selling any tangible personal property whatsoever (not including however, bonds or other evidences of debt, or stocks) an amount equal to 2% of the gross proceeds of sales of the business; provided, however, that in the case of a wholesaler or jobber, the tax shall be an amount equal to **one-eighth of 1% of the gross proceeds of sales of the business.** The classification of wholesaler or jobber shall be used only by any person doing a regularly organized jobbing business, known to the trade as such, and having regularly in its exclusive employment one or more traveling salesmen.

Provided, however, that any person engaging or continuing in business as a retailer and a wholesaler or jobber shall pay the tax required on the gross proceeds of sales of each such business at the rates specified, when his books are kept so as to show separately, the gross proceeds of sale of each business, and when his books are not so kept he shall pay the tax as a retailer; and, provided, further, that any such person engaging or continuing in business as a retailer and a wholesaler or jobber shall pay the tax as a retailer on the gross proceeds of sales derived from all sales made by him to any person other than a licensed merchant.

Provided further that every person, firm, corporation, association or co-partnership operating one or more stores or mercantile establishments within this State under the same general management, supervision or ownership, and said stores are supplied from a common source or through warehouses owned or operated by the owners of such stores, shall pay an amount equal to 1% of the gross proceeds of sales of the business or businesses, in addition to the other privilege or license tax levied under this Section.

Section 2-e. Upon every person, firm or corporation engaged or continuing within this State in the business of conducting places of amusement and/or entertainment, theatres, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling and prize fights, boxing exhibitions, foot-ball and base-ball games, skating rinks, race tracks, golf courses, or any other place at which amusement or entertainment is offered to the public, including public bathing places, public dance halls, of every kind and description within the State of Alabama, the amount to be equal to 2% of the gross receipts of any such business.

Section 2-f. Upon every person, firm or corporation engaging or continuing within this State in any business, vocation, occupa-

tion, calling or profession, not incorporated in the preceding sections, there is hereby levied and shall be collected a privilege or license tax, an amount equal to 2% of the gross receipts from any such business, vocation, occupation, calling or profession.

Section 3. Nothing in this act shall be construed so as to require the use of any gross receipts or gross proceeds of sales, as the case may be, in the measure of tax levied under this Act, that has been included in the measure of tax levied under Section 2-a, 2-b, 2-c, 2-d, 2-e, 2-f, 2-g, 2-h, 2-i, 2-j of an Act "In reference to and to further provide for the General Revenue of the State of Alabama", approved July 22, 1927, nor shall anything in this act be construed so as to tax any person, firm or corporation upon the gross proceeds of sales of manufactured products produced or mined, if said manufacturers have paid the tax levied under Section 2-e and 2-f of an act "In reference to and to further provide for the General Revenue of the State of Alabama", approved July 22, 1927.

Section 4. There shall be excepted from the gross receipts of sales so to be taxed so much thereof as is derived from business conducted in commerce between this State and other States of the United States, or between this State and foreign countries, which the State of Alabama is prohibited from taxing under the Constitution of the United States of America. Nothing in this act shall be construed to levy a tax upon the operation by municipal corporations of any electric or water system owned by the municipality operating it, or upon the sale of gasoline which is otherwise taxed.

Section 4-a. Nothing in this Act shall be construed so as to require the use of any gross receipts or gross proceeds of sales, as the case may be in the measure of the tax levied under Section 2-d that has been included in the measure of the tax levied under Section 2-a and/or Section 2-b hereof, or under any law levying a tax on gasoline.

Provided, however, that any person exercising any privilege taxable under Section 2-a and/or Section 2-b of this Act and engaging in the business of selling his natural resource products or manufactured products at retail in this State shall be required to make returns of the gross proceeds of such retail sales and pay the tax imposed in Section 2-d of this Act for the privilege of engaging in the business of selling such natural resource products or manufactured products at retail in this State. But any such person exercising any privilege taxable under Section 2-a and/or 2-b of this Act and engaging in the business of selling his natural resource products or manufactured products to wholesalers or jobbers or retailers or manufacturers shall not be required to pay the tax imposed in Section 2-d of this Act for the privilege of selling such natural resource products or manufactured products at wholesale.

Manufacturers exercising any privilege taxable under Section 2-b of this Act shall not be required to pay the tax imposed in Section 2-d of this Act for the privilege of selling their manufactured products for delivery outside of this State, but the gross income derived from the sale of such manufactured products outside of this State shall be included in determining the measure of the tax imposed on such manufacturer in said Section 2-b.

All persons exercising privileges taxable under Section 2-b, 2-c, 2-d, 2-e or 2-f, producing minerals or timber, the production of which is taxable under section 2-a, and using or consuming same in their business, shall be deemed to be engaged in the business of mining and producing minerals or timber for sale, profit or use and shall be required to make returns on account of the production of said minerals or timber showing gross proceeds therefrom, or the equivalent thereof, in accordance with uniform and equitable rules for determining the value upon which such privilege taxes shall be levied, corresponding as nearly as possible to the gross proceeds from the sale of similar products of like quality or character by other tax-payers, which rules the Commissioner shall prescribe.

Section 4-b. Manufacturers shall not be required to make returns on account of mining and/or producing timber or minerals or other products (exempting, however, oil or gas) when manufactured, compounded or prepared for sale in mills or plants located in this State, taxable under Section 2-b hereof, and where the total gross proceeds of sales is included in the measure of the tax by such manufacturers, but the total gross proceeds of sales of any such timber or minerals shipped or transported out of this State shall be returned and included in the measure of the tax imposed by Section 2-a; and persons exercising privileges taxable under Section 2-a (other than persons engaging or continuing in the business of mining and producing for sale, profit or commercial use, oil, and/or natural gas) shall not be required to include in the measure of the tax imposed thereby, any gross proceeds derived from sales to persons, taxable under Section 2-b hereof; but every person exercising privilege taxable under Section 2-a shall make the return required and show the amount of the gross proceeds, or gross receipts from each person to whom the timber or minerals were sold; and the Commission shall prescribe uniform and equitable rules for the making of such reports, and for determining such values in such cases.

Sec. 4-c. In computing the amount of tax levied under this Act, there shall be excepted from the gross receipts of the business, or gross proceeds of sales, as the case may be, so much thereof as is derived from sales to the United States Government or the State of Alabama, its departments and institutions, or from business which the State of Alabama is prohibited from taxing under the constitution of this State or the Constitution of the United States.

Section 5—MUST OBTAIN LICENSE FROM THE COMMISSIONER.—If any person after the 30th day of November, 1932, shall engage or continue in any business for which a privilege tax is imposed by this Act, as a condition precedent to engaging or continuing in such business, he shall apply for and obtain from the Commissioner, upon the payment of the sum of One Dollar, a license to engage in and to conduct such business for the current tax year, upon the condition that he shall pay the tax accruing to the State of Alabama, under the provisions of this Act; and he shall thereby be duly licensed to engage in and conduct such business. Said license shall be renewed annually, and shall expire on the 31st day of December of each calendar year, providing that where any person, firm, or corporation has obtained a license or permit from the State Tax Commission as provided under an Act "Requiring licenses for the operation, maintenance, opening or establishment of stores in this State, prescribing the license and filing fees to be paid therefor, and the disposition thereof, and the powers and duties of the State Tax Commission in connection therewith, and prescribing penalties for the violation thereof," approved July 7, 1931, shall not be required to obtain a license or permit under this Act.

Section 6. CERTAIN PERSONS EXEMPT FROM PROVISIONS. There are, however, exempted from the provision of this Act;

"(a) Insurance Companies which pay the State of Alabama a tax upon premiums levied under the provisions of the laws of the State.

"(b) Building and Loan Associations, State and National Banks, and Mutual Savings Banks, not having a capital stock represented by shares and which are operated exclusively for the benefit of their depositors.

"(c) Labor, Agricultural and Horticultural Societies and organizations not operated for profit; and sales made by persons who produce live stock, poultry and other products of farm, grove or garden, whether said sales be made by the producer, or members of his immediate family or employees forming a part of the producer's organization, in the original state or condition of preparation for sale, and sales of fertilizers, seeds, boxes and/or crates, for use in preparing agricultural products for market; cemetery associations and companies which are organized and operated exclusively for the benefit of their members; fraternal benefit societies, orders or associations operating under the lodge system, or for the exclusive benefit of the members of the fraternity itself, operating under a lodge system, and providing for the payment of death, sick, accident or other benefits to the members of such societies, orders or associations, and to their dependents; corporations, association or societies organized and operated exclusively for religious, charitable, scientific or educational purposes; business leagues, chambers of com-

merce, boards of trade, civic leagues and organizations operated exclusively for the benefit of the community and for the promotion of social welfare; one of which companies, organizations, corporations or societies, named in clause (c) of this section are organized for profit and no part of the income of which inures to the benefit of any private stockholder or individual.

"(d) Amounts received under life insurance policies and contracts paid by reason of the death of the insured.

"(e) Amounts received (other than amounts paid by reason of death of the insured) under life insurance endowment or annuity contracts, either during the term or at maturity, or upon surrender of the contract, equal to the total amount of premiums paid thereon.

"(f) Amounts derived from the sale of school books where the sale price is fixed by state contract.

"(g) Amounts received by hospitals, infirmaries and/or sanitariums.

Nothing in this Act shall be construed as levying any tax upon the gross proceeds received from the sale of any cotton or seed cotton or lint cotton or baled cotton whether compressed or not or cotton seed in its original condition."

Section 7. The taxes levied hereunder except as otherwise provided under this Act shall be due and payable in monthly installments, on or before the 15th day of the month next succeeding the month in which the tax accrues. The taxpayer shall, on or before the 15th day of the month make out a return showing the amount of the tax for which he is liable, for the preceeding month, and shall mail the same together with a remittance, in the form required by Section 19 of this Act, for the amount of the tax, to the office of the Commissioner. Such monthly return shall be signed by the taxpayer or a duly authorized agent of the taxpayer, but need not be verified by oath.

Provided, however, that any person taxable under this Act, having cash and credit sales, may report such cash and credit sales separately and upon making application therefor may obtain from the Commission an extension of time for the payment of taxes due on such credit sales. Such extension shall be granted by the Commission, under such rules and regulations as the Commission may prescribe. When such extension is granted, the taxpayer shall thereafter include in each monthly report, all collections made during the month next preceding, and shall pay the taxes due thereon at the time of filing such report, but in no event shall the gross proceeds of credit sales be included in determining the measure of the tax to be paid until collection of such credit sales shall have been made.

Provided, however, that when the total tax for which any person is liable under this Act does not exceed the sum of Ten (\$10.00) Dollars for any month, a quarterly return and remittance in lieu of the monthly return may be made on or before the 15th day of

the month next succeeding the end of the quarter for which the tax is due.

Provided, further, that when the total tax for which any person is liable under this Act does not exceed the sum of Ten (\$10.00) Dollars in any quarter year he shall not be required to make either monthly or quarterly returns, but an annual return and remittance shall be required under rules and regulations to be prescribed by the Commission, such annual return and remittance to be made on or before the 30th day of the month next succeeding the end of the tax year for which tax is due.

The monthly, quarterly and annual returns required under this Act shall be made upon forms to be prescribed by the Commission.

The Commission for good cause may extend the time for making any return required under the provisions of this Act, and may grant such reasonable additional time within which to make such return as he may deem proper, but the time for filing any such return shall not be extended beyond the 15th day of the month next succeeding the regular due date of such return.

Section 8. RETURNS TO BE MADE—WHEN—HOW MADE. On or before thirty days after the end of the tax year, each person liable for the payment of a privilege tax under this Act shall make a return showing the gross proceeds of sales, or gross receipts of business, and compute the amount of tax chargeable against him in accordance with the provisions of this Act, and deduct the amount of monthly or quarterly payments, (as hereinbefore provided) if any, and transmit with his report a remittance in the form required by Section 19 of this Act covering the residue of the tax chargeable against him to the office of the Commission; such return shall be verified by the oath of the taxpayer, if made by an individual, or by the oath of the President, Vice-President, Secretary or Treasurer of a corporation, if made on behalf of a corporation. If made on behalf of a partnership, joint adventure, association, trust, estate, or any other group or combination acting as a unit, any individual delegated by such firm, co-partnership, joint adventure, association, trust, estate or any other group or combination acting as a unit shall make the oath of behalf of the taxpayer. If for any reason it is not practicable for the individual taxpayer to make the oath, the same may be made by any duly authorized agent. The Commission for good cause shown may extend the time for making the annual return on the application of any taxpayer and may grant such reasonable additional time within which to make the same as may, by him, be deemed advisable.

Section 9. COMMISSION TO CORRECT ERROR.—As soon as practicable after the return is filed the Commission shall examine it; if it then appears that the correct amount of tax is greater or less than that shown in the return, the tax shall be recomputed. If the amount already paid exceeds that which should have been paid on the basis of the tax so recomputed, the excess so paid shall

be credited against the subsequent payment; and if the amount already paid exceeds the correct amount of the tax, the excess shall be credited or refunded to the tax payer in accordance with the provisions of this Act.

If the amount already paid is less than the amount which should have been paid, the difference to the extent not covered by any credit under this Act, together with interest thereon at the rate of one-half of one percentum per month from the time the tax was due shall be paid upon notice and demand by the Commission.

If any part of the deficiency is due to negligence or intentional disregard to authorized rules and regulations with knowledge thereof but without intent to defraud, there shall be added as damages, **ten percentum of the total amount of the deficiency in the tax, and interest in such a case shall be collected at the rate of one percentum per month on the amount of such deficiency in the tax from the time it was due, which interest and damages shall be come due and payable upon notice and demand by the Commission.**

If any part of the deficiency is due to fraud with intent to evade the tax, then there shall be added as damages not more than one hundred per centum of the total amount of the deficiency in the tax, and in such a case the whole amount of tax unpaid, including charges so added, shall be come due and payable upon notice and demand by the Commission, and an additional one percentum per month on the tax shall be added from the date such tax was due until paid.

Section 10. **TAXPAYER MUST KEEP RECORDS—FAILURE TO MAKE RETURNS DUTY AND POWER OF COMMISSION.** It shall be the duty of every person engaging or continuing, in this State, in any business for which a privilege tax is imposed by this Act to keep and preserve suitable records of the gross receipts and/or gross receipts of sales of such business and such other books or account as may be necessary to determine the amount of tax for which he is liable, under the provisions of this Act. And it shall be the duty of every such person to keep and preserve, for a period of two years, all invoices of goods and merchandise purchased for resale, and all such books, invoices and other records shall be open for examination at any time, by the Commission or his duly authorized agent.

If no return is made by any taxpayer required to make returns as provided herein, the Commission shall give written notice by registered mail to such taxpayer to make such returns within thirty days from the date of such notice and if such taxpayer shall fail or refuse to make such returns as he may be required to make in such notice, then such returns shall be made by the Commission from the best information available, and such returns shall be prima facie correct for the purposes of this Act, and the amount of tax shown due thereby shall be a lien against all the property of the taxpayer until discharged by payment and if payment be not made within

thirty days after demand therefor by the Commission, there shall be added not more than one hundred per centum as damages together with interest at the rate of one per centum per month on the tax from the time such tax was due. If such tax be paid within thirty days after notice by the Commission, then there shall be added ten per centum as damages and interest at the rate of one percentum from the time such tax was due until paid; provided, however, in the event such taxpayer in answer to said notice from the Commission shall investigate that question fully before proceeding further under this Section.

Section 11. TAX SHALL BE LIEN.—The tax imposed by this Act shall be a lien upon the property of any person subject to the provisions hereof, who shall sell out his business, or stock of goods, or shall quit business, and such person shall be required to make out the return provided for under Section 8 within thirty days after the date he sold out his business or stock of goods, or quit business, and his successor in business shall be required to withhold sufficient of the purchase money to cover the amount of said taxes due and unpaid until such time as the former owner shall produce a receipt from the Commission showing that the taxes have been paid, or a certificate that no taxes are due. If the purchaser of a business or stock of goods shall fail to withhold purchase money as above provided and the taxes shall be due and unpaid after the thirty-day period allowed, he shall be personally liable for the payment of the taxes accrued and unpaid on account of the operation of the business by the former owner.

Section 12. AGGRIEVED PERSON MAY FILE PETITION.—If any person having made the return and paid the tax as provided by this Act, feels aggrieved by the assessment made upon him for any year by the Commission, he may apply to the Tax Commission by petition, in writing, within thirty days after the notice is mailed to him, for a hearing and a correction of the amount of the tax so assessed upon him by the Commission, in which petition he shall set forth thereasons why such hearings should be granted and the amount in which such tax should be reduced. The Tax Commission shall promptly consider such petition, and may grant such hearing or deny the same. If denied, the petitioner shall be forthwith notified thereof; if granted the Tax Commission shall notify the petitioner of the time and place fixed for such hearing. After such hearing, the Tax Commission may make such order in the matter as may appear to it just and lawful, and shall furnish a copy of such order to the petitioner. Any person improperly charged with any tax and required to pay same, may recover the amount paid, together with interest, in any proper action or suit against the Commission, and the Circuit Court of the County in which the taxpayer resides or is located shall have original jurisdiction of any action to recover any tax improperly collected. It shall not be necessary for the taxpayer to protest against the pay-

ment of the tax or to make any demand to have the same refunded in order to maintain such suit. In any suit to recover taxes paid or to collect taxes the court shall adjudge costs to such extent and in such manner as may be deemed equitable.

Either party to such suit shall have the right to appeal to the Supreme Court of Alabama as now provided by law. In the event a final judgment is rendered in favor of the taxpayer in a suit to recover illegal taxes, then it shall be the duty of the State Auditor, upon receipt of a certified copy of such final judgment, to issue a warrant directed to the State Treasurer in favor of such taxpayer to pay such judgment, interest and costs. It shall be the duty of the State Treasurer to honor such warrant and pay such judgment out of any funds in the State Treasury.

No injunction shall be awarded by any court or judge to restrain the collection of the taxes imposed by this Act, or to restrain the enforcement of this Act.

It shall be the duty of any attorney for the Commission and/or the Attorney General to represent the Commission, or any agent or employee, and/or the State of Alabama in all legal matters relating to the enforcement, construction, application and administration of this Act, and in any litigation which may be instituted by the Commission and in which they or either of them may become involved, upon the order and under the direction of the Commission.

Section 13. WARRANT FOR COLLECTION OF TAX—TAX SHALL CONSTITUTE DEBT DUE STATE. (a) If any tax imposed or any portion of such tax be not paid within sixty days after the same becomes due, the Commission shall issue a warrant under official seal directed to the sheriff of any county of the State commanding him to levy upon and sell the real and personal property of the person owing the same, found within his county, for the payment of the amount thereof, with damages, to the amount of 10% of the tax, in addition to the penalties imposed for failure to make or for making a fraudulent return and interest, and cost of executing the warrant, and to return such warrant to the Commission and pay to it the money collected by virtue thereof by a time to be therein specified, not more than sixty days from the date of the warrant. The sheriff shall within five days after the receipt of the warrant, file with the circuit clerk of his county a copy thereof, and thereupon the circuit clerk shall enter in the judgment roll, in the column for judgment debtors, the name of the taxpayer mentioned in the warrant, and in appropriate columns, the amount of the tax, or portion thereof and damages for which the warrant is issued; and the day when such copy is filed; and thereupon the amount of such warrants so docketed shall become a lien upon the title to and interest in real and personal property, including choses in action, except negotiable instruments not past due, of the person against whom it is issued in the same manner as

a judgment duly enrolled in the office of such clerk. The sheriff thereupon shall levy upon any property of the taxpayer, including negotiable instruments, in all respects, with like effect, and in the manner prescribed by law in respect to executions issued against property upon judgments or attached proceedings, of a court of record and the remedies by garnishment shall apply and the officer shall be entitled to the same fees for his services in executing the warrant as now allowed by law for like services, to be collected in the same manner as now provided by law for like services.

(b) A tax due and unpaid under this Act shall constitute a debt due the State and may be collected by action in debt upon motion for judgment or other appropriate judicial proceedings, which remedy shall be in addition to all other existing remedies; and it shall constitute a lien upon all the property of the taxpayer except negotiable instruments not past due and the same shall be collected together with an additional ten per cent of the amount of the tax and penalties imposed for failure to make or for making a fraudulent return, and the cost of collection, if paid within thirty days, after the date it was due, and an additional two per cent of the amount of the tax for each succeeding thirty days elapsing before the tax shall have been paid; provided, however, that the additional two per cent penalty shall not be applied until a ten day notice of delinquency shall have been sent to the taxpayer.

(c) Any person against whom a tax shall be assessed as herein provided shall be restrained and enjoined upon the order of the Commission by proper proceedings instituted in the name of the State of Alabama, by suitable action, brought by the Attorney General and/or any district attorney at the request of the Commission and/or the attorney for the Commission, from engaging and/or continuing in a business for which a privilege tax is required by the provisions of the Act, until the taxes shall have been paid and until such person shall have complied with the provisions of this Act, and such attorneys shall prosecute violations of criminal provision of this Act upon the request of the Commission.

Section 14. ANNUAL RETURN.—WHEN TO BE MADE. The assessment of taxes herein made and the returns required therefor shall be for the year ending on the 31st day of December; provided, however, that if the taxpayer in transacting his business, keeps the books reflecting the same on a basis other than the calendar year, he may, with the assent of the Commission, make his annual returns and pay taxes for the year covering his accounting period, as shown by the method of keeping the books of his business.

Section 15. IS ADDITIONAL TAX.—THE tax imposed by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engaging in any business taxable hereunder, except as in this Act otherwise specifically provided. But no municipality or county shall be authorized to levy

and tax by virtue of the provision of this Act, except as herein otherwise provided.

Section 16. **LETTERS IN REPORT NOT TO BE DIVULGED.**—Unless in accordance with the judicial order or as herein provided, the State Tax Commission, its agents, clerks or stenographers shall not divulge the gross receipts, gross proceeds of sales or the amount of tax paid by any person as shown by the reports filed under the provisions of this Act, except to employees of the State Tax Commission for the purpose of checking comparing and correcting returns, or to the Governor, or to the Attorney General, or any other legal representative of the State in any action in respect to the amount of tax due under the provisions of this Act.

Sec. 16-a. The Secretary of State shall withhold the issuance of any certificate of dissolution or withdrawal in the case of any corporation organized under the laws of this State or organized under the laws of another state and admitted to do business in this State until the receipt of a notice from the Commission to the effect that the tax levied under this Act against any such corporation has been paid, if any such corporation is a taxpayer under the law, or until he shall be notified by the Commission that the applicant is not subject to pay a tax hereunder.

Section 17. **UNLAWFUL TO REFUSE TO MAKE RETURNS.—PENALTY.** It shall be unlawful for any person to fail or refuse to make the return provided to be made in Sections 7 and 8 of this Act, or to make any false or fraudulent return or false statement in any return, with intent to defraud the State or to evade the payment of the tax, or any part thereof, imposed by this Act; or for any person to aid or abet another in any attempt to evade the payment of the tax, or any part thereof, imposed by this Act; or for the president, vice-president, secretary or treasurer of any company to make or permit to be made for any company or association any false return, or any false statement in any return required by this Act with the intent to evade the payment of any tax hereunder; or for any person to fail or refuse to permit the examination of any book, paper, account, record, or other data by the Commission, or its duly appointed agent, as required by this Act; or to fail or refuse to permit the inspection or appraisal of any property by the Commission or its duly appointed agent, or to refuse to offer testimony or produce any record as required in this Act. Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and on conviction, thereof shall be fined not more than Five Hundred (\$500.00) Dollars or imprisoned not exceeding six months in the county jail, or punished by both such fine and imprisonment, at the discretion of the court within the limitations aforesaid. In addition to the foregoing penalties, any person who shall knowingly swear to or verify any false or fraudulent statement, with the intent aforesaid, shall be

guilty of the offense of perjury and, on conviction thereof, shall be punished in the manner provided by law. Any company for which a false return, or a return containing a false statement as aforesaid shall be made shall be guilty of a misdemeanor and may be punished by a fine of not more than Five Hundred (\$500.00) Dollars.

Section 18. ADMINISTRATION OF ACT VESTED IN THE STATE TAX COMMISSION.—The administration of this Act is vested in and shall be exercised by the State Tax Commission, except as otherwise herein provided, and the enforcement of any of the provisions of this Act in any of the courts of the State shall be under the exclusive jurisdiction of the State Tax Commission who may require the assistance of and act through the prosecuting attorney of any county, or any district attorney, or any attorney for the Commission, and may, with the assent of the Governor, employ special counsel in any county to aid the prosecuting attorney, the compensation of whom shall be fixed by and paid only upon the approval of the Governor; but the district attorney or prosecuting attorney of any county shall receive no fees or compensation for services rendered in enforcing this Act in addition to the salary paid to such officer. The State Tax Commission shall appoint, as needed such agents, clerks and stenographers as authorized by law, who shall serve under him shall perform such duties as may be required, not inconsistent with this Act, and are hereby authorized to act for the Commission as it may prescribe and as provided herein. Each such agent shall execute a bond in the sum of Five Thousand (\$5,000.00) Dollars for the faithful discharge of his duties. All of such agents, clerks and stenographers may be removed by the State Tax Commission for cause of which the Commission shall be final judge.

In case of violation of the provisions of this Act the Commission may decline to prosecute for the first offense, if in its judgment such violation is not wilful or flagrant.

Section 19. COMMISSION TO MAKE REGULATIONS. The Commission shall from time to time promulgate such rules and regulations not inconsistent with this Act for making returns and for the ascertainment, assessment and collection of the tax imposed hereunder as he may deem necessary to enforce its provisions; and upon request shall furnish any taxpayer with a copy of such rules and regulations.

All forms, to be issued under the provisions of Section 5 hereof, necessary and proper for the enforcement of this Act shall be prescribed, printed and furnished by the Commission;

Section 20. COMMISSION MAY EXAMINE BOOKS, ETC.—The Commission may examine books, papers, record, or other data bearing upon the correctness of any return, or for the purpose of making a return where none has been made, as required by Sections 7 & 8 of this Act, and may require the attendance of any person and take his testimony with respect to any such matter,

with power to administer oaths to such person or persons. If any person summoned as a witness shall fail to obey any summons to appear before the Commission, or shall refuse to testify or answer any material question or to produce any book, record, paper or other data when required to do so, such failure or refusal shall be reported to the Attorney General or the District Solicitor, who shall thereupon institute proceedings in the Chancery Court of the county where such witness resides to compel obedience to any summons of the Commission, officers who serve summonses or subpoenas, and witnesses attending, shall receive like compensation as officers and witnesses in the justice of the peace courts; to be paid from the proper appropriation for the administration of this Act.

Section 21. EXCESS PAYMENT—REFUND.—If upon examination of any monthly or quarterly return made under this Act, it appears that an amount of tax has been paid in excess of that properly due, then the amount in excess shall be credited against any tax or installment thereof then due from the taxpayer, under any other subsequent monthly or quarterly return, and any balance of such excess at the end of the year and upon the filing of its annual return, shall be immediately refunded to the taxpayer by certificate of overpayment issued by the Commission to the State Auditor which shall be investigated and approved by the Attorney General and the Auditor shall issue his warrant on the Treasurer, which warrant shall be payable out of any funds appropriated for that purpose. Any taxes recovered by suit by any taxpayer shall be refunded in like manner, but shall be accompanied by a copy of the order or decree of the court issuing such order or decree.

Section 22. All remittances of taxes imposed by this Act shall be made to the State Tax Commission by bank draft, certified check, or money order made payable to the State Treasurer, and shall be set apart as a trust fund for educational purposes only, to be designated as the "Educational Trust Fund", and shall be kept separate and apart from all other funds in the State Treasury and shall be paid out by the Treasurer on lawful appropriations heretofore or hereafter made specifically from such funds by the Legislature of Alabama for educational purposes. Any state treasurer who pays out any funds derived from special school taxes or taxes levied under this Act except upon warrants legally drawn against said fund for educational purposes shall be guilty of a misdemeanor.

Section 23. The license inspectors of the several counties of the State, when required to do so by the State Tax Commission, shall enforce the collection of all delinquent privilege and license taxes levied under the foregoing sections of this Act, and shall have all the power and authority in enforcing the provisions of said Act as is conferred upon them in the enforcement of the collection of other delinquent license taxes due the State, and shall receive the same fees and emoluments therefor, to be added to the tax collected.

Section 24. The homestead of every resident of this State, with the improvements and appurtenances, not exceeding in value two thousand dollars, and in area one hundred and sixty acres, shall be, to the extent of any interest he may have therein, whether a fee or less estate, or whether held in common or in severalty, exempt from all State taxation beginning October 1, 1932, and the governing authorities of the several counties and municipalities shall have the power and authority to grant similar exemptions from county and municipal taxation.

Section 25. INVALIDITY OF PART OF ACT NOT TO INVALIDATE ENTIRE ACT—If any clause, sentence, paragraph or part of this ACT shall for any reason be adjudged by any court of competent jurisdiction to be invalid such judgment shall not affect, impair, or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 26. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed, provided that all provisions of existing laws relating to taxation and revenue which are not in conflict with the provisions of this Act and which are not herein expressly repealed, are not hereby repealed.

Section 27. Sections 1 and 1-a to 1-O, inclusive of this Act shall take effect immediately upon the passage and approval by the Governor and all other sections of this Act shall become effective only in the event that an amendment to the Constitution of the State designated as Article 23 in the Proclamation of the Governor, known as "The Bond Amendment", shall be defeated at the election to be held on November 8, 1932.

Section 28. This Act being an emergency Revenue measure, shall expire and stand repealed on the 30th day of Sept. 1935, except section 1 and 1-a to 1-g inclusive, which shall remain in full force and effect.

Mr. Fletcher moved to table the substitute offered by Mr. Teasley, which motion prevailed and said substitute was laid on the table.

Yeas, 25; nays, 8.

Yeas:

Messrs.:

Bartlett
Bonner
Brown
Cooper
Coward
Darden
Delony

Duncan
Edmundson
Farmer
Faulk
Fletcher
Hildreth

Hooton
Kelley
Lapsley
McDaniel
McDowell
Millsap

Mullins
Powell
Scruggs
Shepherd
Walker
Wikle

Nays:

Messrs.:

Beasley

Craft

Goodwin

Hubbard

Jordan

Riddle

Teasley

Warren

— 8

The question then recurred on the substitute offered by Mr. Scruggs.

Mr. Scruggs offered the following amendment to said substitute to-wit:

Amend substitute for House bill No. 72 as follows:

Section 1—Strike out the clause or words "or other light ingredients are used" where they occur together in said substitute, and insert in lieu thereof the words "or other like ingredients are used."

Which was adopted.

Mr. Scruggs offered the following amendment to said substitute to-wit:

Amend Substitute for H. B. No. 72 by striking therefrom the word or number 3 (three) where same appears and insert in lieu thereof the word five.

On motion of Mr. Teasley, said amendment was laid on the table.

Mr. Hildreth offered the following amendment to said substitute to-wit:

Amend Substitute for House Bill No. 72, as follows:

1. By adding to Section 1 thereof the following: "Such bottle, so required to be stamped, may or may not have stamped or imprinted permanently into the bottle the name of the manufacturer of the product contained therein, any existing provision of law to the contrary notwithstanding, and such bottle shall be the standard size cereal beverage bottle, containing not more than twelve fluid ounces."

Which was adopted.

Mr. Scruggs offered the following amendment to said substitute to-wit:

Amend substitute to H. B. 72 by striking from Section 2 thereof the words "them at retail" wherever they appear together therein and substitute the following words in lieu thereof "than at retail."

Which was adopted.

Mr. Teasley offered the following substitute for the Scruggs substitute as amended to-wit:

Substitute for H. 72:

A BILL

To be entitled An Act in reference to and to further provide for the General Revenue of the State of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That this act may be cited as "The Emergency Revenue Act of 1932".

DEFINITIONS: That when used in this Act, the word "Officer" shall mean and include all officers where a commission issued in the name and by the authority of the State of Alabama is required before entering upon and exercising the duties of their respective offices. The word "employee" or "employees" shall mean and include all persons receiving a salary paid out of any appropriation made by the State of Alabama or any of the several counties, including appropriations made to any department, board or institution and all other persons receiving salaries from the State and the several counties not included in the above. The word "salary" shall mean and include any and all amounts received by any officer or employee, whether salary, fees, commissions, compensation, emoluments and ex officio fees for services and all other amounts received under and by virtue of the office for the personal use of any officer or employee, less any amount paid out in the conduct of the office. The words "department, board or Institution" shall mean and include every activity of the State of Alabama and the several counties thereof, where public money is appropriated for its maintenance. The word "person" or the word "company" herein used interchangeably, includes any individual, firm, copartnership, association or corporation or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context. The term "commission" means the State Tax Commission of the State of Alabama. The words "Tax year" or "taxable year" mean the calendar year. The words "Gross sales" include the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale. The word "taxpayer" means any person liable for taxes hereunder. The words "gross receipts" mean the value proceeding or accruing from the sale of tangible, personal property, or service, or both, and all receipts actual and accrued, by reason of any business engaged in, including fees or other emoluments however designated (not including, however, interest, discounts, rentals or royalties) and without any deduction on account of the cost of the property sold, the cost of the material used, labor cost, or any other expenses whatsoever, and without any deductions on account of losses. The words "business, occupation, vocation, calling or profession" as used in this Act, shall include all activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect (except salaried employees), and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which sub-activities shall be considered business engaged in, taxable in the class in which it falls.

Section 1-a. Each and every person, firm, company, corporation or association of persons engaged in the business of manufacturing for sale any beverage, in which hops, malt or other light ingredients are used any of them, now or hereafter authorized by the laws of Alabama, shall, for the privilege of engaging in such business, in addition to any and all other state licenses or taxes required to be paid, pay to the State Tax Commission a license of three cents (3c) per pint on each and every pint thereof manufactured and sold, which license shall be evidenced on each and every bottle of such beverage, liquid, drink or refreshment, by an appropriate license stamp label prepared and furnished by the State Tax Commission.

Section 1-b. Each and every person, firm, corporation, co-partnership, or association, other than a manufacturer for sale engaging in the business of wholesaling, or otherwise selling them at retail to the public in Alabama, any beverages, liquids, drinks, or refreshments, described in Section 1-a of this act shall, for the privilege of engaging in such business, in addition to any and all other licenses or taxes required to be paid, pay to the State Tax Commission of Alabama, an annual license tax of Two Hundred (\$200.00) Dollars.

Section 1-c. Each and every person, firm, co-partnership, corporation or association, engaged in the business of selling at retail to the public any cereal beverages, liquids, drinks, or refreshments, described in Section 1-a of this act, shall, for the privilege of engaging in such business, in addition to all other licenses and taxes required by the State pay annually to the State Tax Commission, a license tax as follows: viz: In unincorporated places, and towns and cities of not over five thousand inhabitants, ten dollars; in towns and cities of five thousand and not over fifteen thousand inhabitants, fifteen dollars; in cities of fifteen thousand and not over twenty-five thousand inhabitants, twenty dollars; in cities of twenty-five thousand inhabitants or more, twenty-five dollars.

Section 1-d. The State Tax Commission shall prepare or cause to be prepared and furnished monthly or as often as needed, proper license stamps labels to manufacturers described in Section 1-a of this act, upon payment to said Commission of the proper license tax evidenced by the amount and number of such labels. And the State Tax Commission may make such rules and regulations as it deems proper for the distribution of such license stamp labels, and the proper labeling of products described in Section 1-a of this act, which rules shall not be in conflict with the laws of the State; provided further that such rules and regulations shall first be submitted to the Attorney General of Alabama for his approval, whereupon such rules or regulations shall, when published by the State Tax Commission have the force and effect of law.

Section 1-e. All licenses or taxes paid into the State Tax Commission under the provisions of this Act shall be by it deposited

into the State Treasury promptly upon receipt thereof, and such licenses or taxes shall constitute a special trust fund, and shall be, by the State Treasurer, kept separate and apart from all other funds in an account denominated "Special Education Trust Fund for Elementary Public Schools".

Section 1-f. Any person, firm or corporation knowingly violating any rule or regulation of the Tax Commission made pursuant to Section 1-d of this Act shall be guilty of a misdemeanor and on conviction shall be punishable by a fine of not less than One Hundred (\$100.00) dollars, nor more than Five Hundred (\$500.00) Dollars or by imprisonment at hard labor for not more than six months, or by both such fine and imprisonment.

Section 1-g. There is also hereby levied for the use of each county in the State 50% of the amount of the State license or privilege tax levied herein for the use of the State under Section 1-b and 1-c of this Act.

Pending the further consideration of said substitute:

RECESS

At 1 P. M., on motion of Mr. Jordan, the Senate took a recess until 3 o'clock this afternoon.

TWENTY-SECOND DAY—AFTERNOON SESSION

Tuesday, October 11th, 1932

The Senate re-assembled at 3 o'clock P. M., Lieutenant-Governor Merrill presiding.

ROLL CALL

Present:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Cooper	Faulk	McDaniel	Teasley
Cowart	Fletcher	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle

—32

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:
By Mr. Jordan:

S. 227. To permit certain amusements, recreations and entertainments to be furnished and engaged in on Sunday in cities of this State whose population is not less than 30,000 nor more than 40,000 according to the last or any subsequent Federal Census or in cities which have since the 1930 Federal Census been merged or consolidated and the combined population of such cities after such merger is not less than 30,000 nor more than 40,000 and known as "Class D" cities.

Committee on Local Legislation.

By Mr. Powell:

S. 228. To fix time allowed Secretary of the Senate and Clerk of the House of Representatives to check, compare and deliver the Journals of the Senate and House of Representatives of this session of the Legislature to the Secretary of State.

Committee on Rules.

By Mr. Craft:

S. 229. To repeal an act of the Legislature of Alabama approved April 21st, 1931 entitled "An Act to amend the title and section one of an act entitled 'An Act Creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last Federal Census of not less than 95,000 and not more than 175,000; defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent, and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association, or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and

Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws. Approved September 9, 1927'."

Committee on Local Legislation.

By Mr. Craft:

S. 230. To repeal an act of the Legislature of Alabama approved September 9th, 1927, entitled "An Act creating and establishing Juvenile Courts in all counties in the State of Alabama, now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children providing for a commission to aid in carrying out the work of the courts and prescribing its duties and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on

account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws.

Committee on Local Legislation.

REPORTS OF COMMITTEES

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kelly of Conecuh (with notice and proof):

H. 473. To further Amend an Act entitled, "An Act to establish a Board of Revenue for Conecuh County, in lieu of the Court of County Commissioners as now provided by law. To relieve the Judge of Probate of his duties as Chairman of said Court or Board, to provide for the election of the members of said Board and for the election of a Chairman and Clerk thereof, and to fix their terms of office; to fix the powers and duties of the members of said Board, the Chairman and Clerk thereof, and to provide for their compensation.", Approved August 27, 1927 (Local Acts of 1927, Page 241 to 245, inclusive), and the Act amending said Act approved March 6, 1931 (Local Acts of 1931, Page 31), by amending Section 10 of said Act as amended, to read as hereinafter set out; to provide for the repeal of all laws or parts of laws in conflict herewith; and to provide when this Act shall take effect.

By Mr. Kelly of Conecuh (with notice and proof):

H. 474. To repeal an act entitled, "An Act to create the office of Road Supervisor for Conecuh County, Alabama; to provide for his appointment, discharge, or removal; to fix his qualifications and prescribe his duties, powers, and authority; to provide for the manner of allowance and payment of claims approved by him; to fix his compensation and manner of payment; to fix his bond; to provide an expense account and the manner of payment; to provide for his appointment in the event the Board of Revenue fails to act; to provide when this act shall take effect; to provide that any section or provision of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, insofar as they apply to Conecuh County, Alabama.", Approved March 4, 1931.

By Mr. Thompson (with notice and proof):

H. 496. To provide additional duties and confer additional powers on each member of the Court of County Commissioners of Pike County, Alabama, in supervising the construction, maintenance and upkeep of the roads and bridges in his district, and to fix the salary and compensation of said Commissioners.

By Mr. Thompson (with notice and proof):

H. 497. To better provide for the working of the public roads

of Pike County, and to authorize the Court of County Commissioners of Pike County to accept a money compensation from those liable to road duty in lieu of road work, to be fixed by them, not to exceed four dollars per capita per annum.

By Mr. McGraw (with notice and proof):

H. 498. To provide for the election of a County Superintendent of Education for Shelby County, Alabama, by the qualified voters of said County; to provide the duties and fix the term of office and compensation and qualifications of such officer, and to provide for the selection and expenses of clerical help for said office and other expenses incident thereto.

By Mr. Thompson (with notice and proof):

H. 499. To repeal an Act to better provide for the working of the public roads in Pike County, Alabama, prescribe rules and regulations for the same, and prescribe penalties for the violation of the provisions of this act, approved July 19, 1907.

Mr. McDaniel, Chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Edmundson (with substitute):

S. 148. To amend Section 370 of the Code of Alabama.

Mr. Millsap, Chairman of the Standing Committee on Aviation and Traffic Regulations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 221. To establish a commission in counties of this state having a population of not less than one hundred thousand nor more than three hundred thousand inhabitants according to the last or any subsequent federal census, to actively cooperate with the State board of Agriculture for the encouragement and improvement of the live stock and agricultural resources of the State through speed contests and exhibitions at County Fairs in such counties, and to further actively cooperate with the United States Government in the production of horses and mules fit for army use; to prescribe the powers, duties and qualifications of such commission; to provide that the commission may authorize speed contests and permit corporations or associations to conduct mutual or cooperative pools; to provide for licenses and to provide that a reasonable sum or percentage may be deducted to provide for the expenses of the commission and to provide suitable stakes and purses for such contests, and to repeal all laws and parts of laws in conflict therewith.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate:

By Mr. Green:

H. J. R. 128. Whereas, the people of Alabama would be greatly rejoiced to have the next President of the United States visit our State before he is called by the people to serve them in Washington, now, therefore,

Be it resolved by the House of Representatives of Alabama, the Senate concurring, that

An earnest and sincere invitation is hereby extended to Honorable Franklin D. Roosevelt to stop in Birmingham when he leaves Warm Springs, Georgia en route North, and thereby give the people of our State an opportunity to show their admiration for and confidence in him as the great, new leader in the field of American statesmanship

Be it further resolved, that a copy of this Joint Resolution be sent by telegraph to Honorable Franklin D. Roosevelt at Albany, N. Y. and a copy hereof to the Honorable James A. Farley, Chairman of the National Democratic Executive Committee, 331 Madison Avenue, New York City.

Also:

By Mr. Goode:

H. J. R. 131. Resolved by the House, the Senate concurring, that when the two houses adjourn for today, that they adjourn to meet again on Friday, October 14th, at ten o'clock A. M.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

On motion of Mr. Powell, H. J. R. 128, set out in the foregoing message from the House, was concurred in and adopted.

On motion of Mr. Powell, H. J. R. 131, set out in the foregoing message from the House, was concurred in and adopted.

UNFINISHED BUSINESS

The Senate proceeded to consider the unfinished business of the morning session, which was the bill:

H. 72. In reference to and to further provide for the general revenue of the State of Alabama.

And the substitute therefor, as amended, offered by Mr. Scruggs and set out in the Journal of the morning session.

The substitute offered by Mr. Teasley for the Scrugg substitute as amended, was withdrawn.

Mr. Scruggs then offered the following amendment to the Scruggs substitute, to-wit:

Amend the substitute for House Bill No. 72, by adding Section

3½ between Section 3 and Section 4, in words and figures as follows:

"Section 3½. There is also hereby levied for the use of each county in the State fifty per cent of the amount of the State license or privilege tax levied herein for the use of the State."

Further amend H. B. 72 as follows:

Strike out the words "State Tax Commission of Alabama" wherever they appear in Section 2 and 3, and insert in lieu thereof the words "Judge of Probate as other license fees are paid."

Which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas, 20; nays, 5.

Yeas:

Messrs.:

Bartlett	Edmundson	Hubbard	Powell
Beasley	Farmer	Jordan	Scruggs
Craft	Fletcher	Kelley	Shepherd
Delony	Hildreth	Lapsley	Warren
Duncan	Hooton	Millsap	Wikle

—20

Nays:

Messrs.:

Bonner	Darden	Faulk	Walker
Cooper			

— 5

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 20; nays, 3.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Jordan	Riddle
Brown	Farmer	Kelley	Scruggs
Craft	Fletcher	Lapsley	Warren
Delony	Hildreth	Millsap	Wikle

—20

Nays:—Messrs.: Bonner, Cooper and Darden.

— 3

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Ware:

H. 597. To repeal an Act approved September 26, 1923, entitled "An Act to authorize and create an additional judge of the Fifth Judicial Circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other Circuit Judges of the State, and to provide for the salary of said Judge."

J. H. Stewart.
Clerk.

HOUSE MESSAGE

The House bill in the foregoing House message was read once and referred to appropriate Standing Committee as follows:

H. 597, to the Committee on County and County Boundaries.

BILLS ON THIRD READING

The bill:

S. 153. To authorize and provide for the payment of the sum of \$2,000.00 for the relief of Mrs. Willie W. Edge, of Blacksburg, Virginia, who sustained personal injuries while riding in an automobile on May 16th, 1931, as a result of being run into or against by a trailer attached to a truck of the State Highway Department, the property of the State of Alabama.

Was taken up.

Mr. Lapsley offered the following amendment to said bill, to-wit:

Amend S. B. 153 as follows:

Amend said bill by striking out of the title and body of said bill the figures "\$2000.00" wherever they appear therein and insert in lieu thereof the figures "\$1500.00."

Which was adopted.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Fletcher	Kelley
Beasley	Delony	Goodwin	Lapsley
Bonner	Duncan	Hildreth	McDowell
Brown	Edmundson	Hooton	Powell
Cooper	Farmer	Hubbard	Warren
Cowart	Faulk	Jordan	Wikle
Craft			

—25

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 1.

Yeas:

Messrs.:

Beasley	Duncan	Hubbard	Powell
Bonner	Edmundson	Jordan	Scruggs
Cooper	Farmer	Kelley	Teasley
Cowart	Fletcher	Lapsley	Warren
Craft	Goodwin	McDowell	Wikle
Darden	Hildreth		

—22

Nay:—Mr. Delony.

— 1

The bill:

S. 154. To authorize and provide for the payment of the sum of \$1,000.00 for the relief of Harvey A. Edge of Blacksburg, Vir-

ginia, whose automobile was damaged on May 16th, 1931 as the result of being run into or against by a trailer attached to a truck of the State Highway Department, the property of the State of Alabama; and who paid out for the treatment and care of his wife, who was injured as a result of said collision between said trailer and the car in which he and his wife were riding, a large sum of money to doctors, hospitals, nurses, and for drugs, board and other expenses.

Was taken up.

Mr. Lapsley offered the following amendment to said bill, to-wit:

Amend the Title and body of Senate Bill 154 by striking therefrom the words and figures \$1000.00 and inserting in lieu thereof the words and figures \$500.00.

Which was adopted.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Powell
Beasley	Duncan	Hooton	Scruggs
Bonner	Edmundson	Hubbard	Shepherd
Brown	Farmer	Kelley	Warren
Craft	Faulk	Lapsley	Wikle
Darden	Goodwin	McDowell	

—23

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 19; nays, 0.

Yeas:

Messrs.:

Bartlett	Craft	Fletcher	McDowell
Beasley	Darden	Goodwin	Powell
Bonner	Duncan	Hildreth	Shepherd
Brown	Edmundson	Hooton	Warren
Cowart	Farmer	Lapsley	

—19

The bill:

S. 203. To fix the compensation or salary to be paid the Judge of Probate of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide clerical assistance and other expenses in the Probate Office of Tuscaloosa County, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter collected by said official and to pay same into the County Treasury; to provide for the payment of the salary or compensation of said official and the clerical assistants, and other office expenses out of said funds of the County, and to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of com-

pensation of such officer, and to prescribe when said Act shall go into effect.

Was taken up.

Mr. Warren offered the following amendment to said bill, to-wit:

Amend Section 3 of S. B. No. 203 by striking out the words and figures, "Seven Thousand (\$7000.00) Dollars" where the same appear together in said bill and insert in lieu thereof the words and figures "Seven Thousand Five Hundred (\$7500.00) Dollars."

Which was adopted.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Cooper	Faulk	McDaniel	Teasley
Cowart	Fletcher	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle

—32

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Cooper	Faulk	McDaniel	Teasley
Cowart	Fletcher	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle

—32

The bill:

S. 204. To fix the compensation or salary to be paid the Tax Collector of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistance and other expenses in said office of the Tax Collector of Tuscaloosa County, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter authorized to be collected by said official and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Tax Collector of Tuscaloosa County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conduct and

operation of such officer made necessary by changing the method and basis of compensation of such Tax Collector, and to prescribe when this said Act shall go into effect.

Was taken up.

Mr. Warren offered the following amendment to said bill, to-wit:

Amend Section 3 of S. B. No. 204 by striking out the words and figures "Forty-eight Hundred (\$4800.00) Dollars" where the same appeared together in said Section and inserting in lieu thereof the words "Four Thousand (\$4000.00) Dollars".

Which was adopted.

Yeas, 32; nays, 0.

Yeas:

Messrs.:			
Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Cooper	Faulk	McDaniel	Teasley
Cowart	Fletcher	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle

—32

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 32; nays, 0.

Yeas:

Messrs.:			
Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Cooper	Faulk	McDaniel	Teasley
Cowart	Fletcher	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle

—32

The bill:

S. 202. To fix the compensation or salary to be paid the Tax Assessor of Tuscaloosa County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistance and other expenses in said office of the Tax Assessor of Tuscaloosa County, Alabama, and to require said official to collect all the fees, compensations and allowances heretofore or hereafter authorized to be collected by said official and to pay same into the County Treasury of Tuscaloosa County; to provide for the payment of the salary or compensation of said Tax Assessor of Tuscaloosa County, and the clerks, deputies and other cleri-

cal assistants and other office expenses out of the funds of Tuscaloosa County, and to provide rules and regulations for the conduct and operation of such officer made necessary by changing the method and basis of compensation of such Tax Assessor, and to prescribe when this Act shall go into effect.

Was taken up.

Mr. Warren offered the following amendment to said bill, to-wit:

Amend Section 3 of S. B. No. 202 by striking out the words and figures "Forty-eight hundred (\$4800.00) Dollars" where the same appeared together in said Section and inserting in lieu thereof the words "Four Thousand (\$4000.00) Dollars".

Which was adopted.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Cooper	Faulk	McDaniel	Teasley
Cowart	Fletcher	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle

—32

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Cooper	Faulk	McDaniel	Teasley
Cowart	Fletcher	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle

—32

The bill:

S. 210. To abolish the offices of tax collector and tax assessor of Coosa County, Alabama, and to create in lieu thereof the office of tax assessor-collector for Coosa County, Alabama; to provide for the nomination and election of tax assessor-collector, to define his duties and powers, to prescribe his qualifications and to fix his salary or compensation and provide for payment thereof; to require the tax assessor-collector to execute proper and necessary bonds for the faithful discharge of his duties as now provided by law for

tax collectors and tax assessors in the State of Alabama are required to execute; to require said tax assessor-collector to collect all commissions and fees now required by law for tax collectors and tax assessors to collect and to pay the same into the general funds of Coosa County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Jordan	Riddie
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Cooper	Faulk	McDaniel	Teasley
Cowart	Fletcher	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle

—32

The bill:

S. 206. To establish an Inferior Court for all precincts lying within or partly within the City of Birmingham, Alabama, said court to be in lieu of all Justices of the Peace, Notaries Public with powers of Justices of the Peace and all other Inferior Courts created in lieu of Justices of the Peace in said territory prior to the effective date of this Act except such courts as have criminal jurisdiction only and as otherwise limited by the terms of this Act, to define the jurisdiction and powers of said courts and the officers thereof; to provide for the election of the officers of said court; to provide for the election and selection of the officers of said court; to fix their term of office; to fix the compensation of said officers and the method of paying the same; to provide the procedure in said court and to fix the method of service of all processes therefrom; to create and designate the officials to serve the processes issued from said court and to provide the compensation therefor, to designate the officers of said court and define their powers and duties; to provide for the establishment, maintenance, jurisdiction and powers of different branches of said court and branch offices thereof, to abolish in said city all Inferior Courts heretofore created in lieu of Justices of the Peace in and for all precincts lying within or partly within the City of Birmingham, except such courts as may have criminal jurisdiction only and as otherwise limited by the terms of this Act, and to provide for the transfer of such pending cases from such abolished courts to the courts hereby established.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Cooper	Faulk	McDaniel	Teasley
Cowart	Fletcher	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle

—32

The bill:

S. 207. To provide and create a Commission form of Municipal Government for the City of Bessemer, Jefferson County, Alabama; **to abolish the offices of Mayor and Alderman and otherwise provide** for the creation and maintenance of said Commission form of Government; To provide for the selection and election of a chairman and two associate commissioners in lieu of Mayor and Alderman; and to fix and prescribe their terms of office, to fix and define their powers, duties and compensation; to punish improper conduct in connection with the elections and petitions hereunder; to prescribe limitations and qualifications of officers and employees, and penalties for the violation of the provisions of this Act, and to fix and prescribe the date that said Act shall become effective and be in force and effect; to fix and define the qualifications of said Commissioners.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Cooper	Faulk	McDaniel	Teasley
Cowart	Fletcher	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle

—32

The bill:

S. 205. To amend the title and body of an Act approved May 27th, 1931, and entitled "An Act to abolish the office of Coroner in all Counties in this State having a population of three hundred thousand (300,000) or more, according to the last or any subsequent Federal census and to require the County Commission in all such Counties to perform the duties now or which may hereafter be by law required of Coroners in this State; and to invest such County Commissions with all the rights and powers of such Coroners."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Cooper	Faulk	McDaniel	Teasley
Cowart	Fletcher	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle

—32

The bill:

H. 487. To provide for the employment of four prison guards for the Mobile County jail by the Sheriff of Mobile County to perform such duties at the jail as may be assigned to them by the Sheriff; to fix their compensation and provide for payment of same out of the County Treasury and to provide that all laws general, local, or private, and all parts of any such laws in conflict with the provisions of this Act are hereby repealed; and to provide that this Act shall take effect immediately upon its passage and approval.

Was read a third time at length and passed.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Cooper	Faulk	McDaniel	Teasley
Cowart	Fletcher	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle

—32

The bill:

H. 489. To amend Section 14 of an Act approved February 23rd, 1899, entitled "An Act to establish an Inferior Criminal Court in the County of Mobile," as amended by an Act approved February 21st, 1907, entitled "An Act to amend Sections two (2), three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), thirteen (13), and fourteen (14), of an Act entitled an Act to establish an Inferior Criminal Court in the County of Mobile approved February 23rd, 1899," and further amended by an Act approved August 26, 1927, entitled, "An Act to amend Sections 4 and 9 of an Act entitled an Act to amend Sections two (2), three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), thirteen (13) and fourteen (14), of an Act entitled an Act to establish an Inferior

Criminal Court in the County of Mobile, Alabama, approved February 23rd, 1899—approved February 21st, 1907," so as to provide that the Sheriff, as compensation for the services required of him and for furnishing the Bailiff shall receive and be paid the same fees prescribed for the Sheriff by the General Law for the performance of such services.

Was read a third time at length and passed.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Cooper	Faulk	McDaniel	Teasley
Cowart	Fletcher	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle

—32

The bill:

H. 488. To provide for the employment of not exceeding three road patrolmen for Mobile County by the Sheriff; to define their duties and to vest in such patrolmen the authority and duties of Deputy Sheriffs; to fix their compensation and to provide for the payment of same out of the General Funds of the County as the salaries of other county employees are paid; to provide that such patrolmen shall hold office at the will of the Sheriff appointing them but not beyond the expiration of his term; to provide that the Board of County Commissioners; the Board of Revenue and Road Commissioners or other like governing body in Mobile County is hereby directed and authorized to purchase automobiles and other equipment including supplies such as gasoline, oils, greases, tools and other apparatus necessary in the operation and maintenance of such automobiles or other equipment, as may be requisitioned by the Sheriff for the use of the patrolmen appointed and employed under the provisions of this Act and to keep such automobiles and other equipment in proper repair; to provide that all laws and parts of laws, general, local, private or special, in conflict with the provisions of this Act be and the same are hereby repealed, and to provide that this Act shall take effect immediately upon its passage and approval.

Was read a third time at length and passed.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett	Brown	Craft	Duncan
Beasley	Cooper	Darden	Edmundson
Bonner	Cowart	Delony	Farmer

Faulk	Jordan	Millsap	Shepherd
Fletcher	Kelley	Mullins	Teasley
Goodwin	Lapsley	Powell	Walker
Hildreth	McDaniel	Riddle	Warren
Hooton	McDowell	Scruggs	Wikle

—32

The bill:

H. 296. To establish a County Commission for Russell County, to provide for the appointment and election of the members thereof and prescribe their duties and powers, to provide for a Chairman of said Commission and fix his duties and powers; and fix their compensation; to divide the County of Russell into three (3) County Commission districts, and abolish the Board of Roads and Revenue, and to repeal all conflicting laws, general, local and special.

Was read a third time at length and passed.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hubbard	Powell
Beasley	Edmundson	Jordan	Riddle
Bonner	Farmer	Kelley	Scruggs
Cooper	Faulk	Lapsley	Shepherd
Cowart	Fletcher	McDaniel	Teasley
Craft	Goodwin	McDowell	Walker
Darden	Hildreth	Millsap	Warren
Delony	Hooton	Mullins	Wikle

—32

The bill:

H. 389. To provide that there be established and maintained by Walker County, Alabama, a witness fund out of which the costs and fees due parties appearing as State witnesses in the county court, circuit court and before the grand jury of Walker County in criminal cases shall be paid; to provide that one-half of all monies collected in criminal cases from fine and forfeitures in Walker County wherein the State of Alabama is plaintiff, be paid into said fund; to provide that all sums of money collected as witness fees for the per diem and mileage to and from court due witnesses appearing for the State in said County be paid into said witness fund; to provide that on the first Monday in January of each year that there be paid from the general fund of Walker County into said witness fund, a sum not to exceed \$5,000.00; to provide for what purposes said witness fund is to be used; to provide that the costs and fees of all State witnesses who are entitled to their per diem and mileage for their attendance in criminal cases in the County Court, Circuit Court, and attendance before the Grand Juries of Walker County, Alabama be paid out of said witness fund; to provide how and by whom witness claims are to be authenticated, and how and

by whom they are to be paid, and; to provide for the disposition of any surplus in excess of \$1,000.00 that may exist at the end of the calendar year.

Was read a third time at length and passed.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Cooper	Faulk	McDaniel	Teasley
Cowart	Fletcher	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle

—32

The bill:

H. 418. To repeal an Act entitled an Act "To provide for the payment of an expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense shall be paid out of the County treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit" said Act having been approved on the 12th day of September, 1923.

Was read a third time at length and passed.

Yeas, 32; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hooton	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Cooper	Faulk	McDaniel	Teasley
Cowart	Fletcher	McDowell	Walker
Craft	Goodwin	Millsap	Warren
Darden	Hildreth	Mullins	Wikle

—32

The bill:

H. 164. To further regulate Building and Loan Associations in the State of Alabama.

Was read a third time at length and passed.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Jordan	Powell
Beasley	Duncan	Kelley	Scruggs
Cooper	Edmundson	Lapsley	Teasley
Cowart	Farmer	McDowell	Warren
Craft	Goodwin	Millsap	Wikle
Darden	Hildreth		

—22

The bill:

S. 209. "Conferring the right for a period of ninety days from the passage of this Act to institute suit in equity to contest wills where suit has been heretofore instituted within the time permitted before the adoption of Acts Nos. 733 and 731, approved August 1, 1931, but not within the time permitted by said Acts."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas, 20; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Scruggs
Beasley	Delony	Hubbard	Shepherd
Cooper	Duncan	Jordan	Teasley
Cowart	Farmer	Lapsley	Warren
Craft	Goodwin	Powell	Wikle

—20

The bill:

S. 196. To amend Section 1 of an Act entitled: "An Act to provide for and authorize an incorporation by the Alabama Highway Director, the President of the State Board of Administration of Alabama and the Chairman of the State Tax Commission of Alabama, for the purpose of constructing or causing to be constructed bridges and the approaches, for public use, on, or connecting highways in this State; to prescribe its powers and duties; to exercise the right of eminent domain; to provide for the raising of necessary funds for such purpose; to prescribe the rights and powers of the purchasers of any bonds issued; to maintain and operate such bridges, to operate any such bridge or bridges for toll until the cost of construction and maintenance shall have been paid; to provide for the payment of interest on said bonds by the State of Alabama," approved August 31, 1927.

Was taken up.

Mr. Scruggs offered the following amendment to said bill, to-witt:

Amendment to Senate Bill 196.

Amend Section 1 of said bill by striking therefrom the following words and figures: "To have succession by its corporate name for twenty years", and add in lieu thereof the following words: "To have succession by its corporate name for thirty years".

To further amend said Senate Bill 196 by adding at the end of Section 1 thereof the following words and figures, "That if and when said bonds have been refunded no insurance shall be required either by law or by contract with the holders of such bonds, and no funds of either the State or the Alabama Bridge Corporation shall hereafter be used to pay such insurance."

Which was adopted.

Yeas, 18; nays, 5.

Yeas:

Messrs.:

Bartlett	Hildreth	Lapsley	Scruggs	
Beasley	Hooton	McDowell	Shepherd	
Craft	Hubbard	Millsap	Teasley	
Darden	Jordan	Powell	Warren	
Farmer	Kelley			—18

Nays:

Messrs.:

Cooper	Duncan	Walker	Wikle	
Cowart				— 5

PAIR ANNOUNCED

Mr. Brown announced that he and Mr. Garrett were paired on this vote; that Mr. Garrett, if present, would vote yea, and he, Mr. Brown, would vote nay.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 18; nays, 8.

Yeas:

Messrs.:

Beasley	Hildreth	Lapsley	Riddle	
Cooper	Hooton	McDowell	Scruggs	
Craft	Hubbard	Millsap	Teasley	
Darden	Jordan	Powell	Warren	
Farmer	Kelley			—18

Nays:

Messrs.:

Bartlett	Duncan	Fletcher	Walker	
Delony	Faulk	McDaniel	Wikle	— 8

PAIR ANNOUNCED

Mr. Brown announced that he and Mr. Garrett were paired on this vote; that Mr. Garrett, if present, would vote yea, and he, Mr. Brown, would vote nay.

The bill:

S. 197. To provide for the leasing to the State Highway Department of the State of Alabama by the Alabama State Bridge Corporation of all of the bridges and other property now owned by the Alabama State Bridge Corporation; to provide the method and manner of execution of said lease and the future use of said property, and to make an appropriation therefor.

Was taken up.

The Standing Committee on Public Roads and Highways reported the following amendment to said bill, to-wit:

Amend Section 1 of S. B. 197 by adding thereto the following words:

"The Alabama State Bridge Corporation is hereby authorized to execute the lease herein provided for."

Which was adopted.

Yeas, 17; nays, 11.

Yeas:

Messrs.:

Beasley	Farmer	Jordan	Riddle
Cooper	Hildreth	Lapsley	Scruggs
Craft	Hooton	McDowell	Teasley
Darden	Hubbard	Millsap	Warren
Edmundson			

—17

Nays:

Messrs.:

Bartlett	Duncan	McDaniel	Walker
Cowart	Faulk	Powell	Wikle
Delony	Fletcher	Shepherd	

—11

PAIR ANNOUNCED

Mr. Brown announced that he and Mr. Garrett were paired on this vote; that Mr. Garrett, if present, would vote yea, and he, Mr. Brown, would vote nay.

Mr. Scruggs offered the following amendment to said bill, to-wit:

Amend Senate Bill No. 197 by adding thereto Section 3½ in words and figures as follows:

"Section 3½. The power given herein to lease the said bridges shall not be exercised unless and until the bonds now outstanding against said bridges shall have been refunded on a basis that the annual interest and principal amortization fund shall not exceed Three Hundred Thousand (\$300,000.00) Dollars."

Which was adopted.

Yeas, 16; nays, 9.

Yeas:

Messrs.:

Beasley	Farmer	Jordan	Riddle
Craft	Hildreth	Lapsley	Scruggs
Darden	Hooton	McDowell	Teasley
Edmundson	Hubbard	Millsap	Warren

—16

Nays:

Messrs.:

Bartlett	Duncan	Fletcher	Walker
Cooper	Faulk	Powell	Wikle
Delony			

— 9

PAIR ANNOUNCED

Mr. Brown announced that he and Mr. Garrett were paired on this vote; that Mr. Garrett, if present, would vote yea, and he, Mr. Brown, would vote nay.

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 14; nays, 12.

Yeas:

Messrs.:

Beasley
Craft
Darden
Hildreth

Hooton
Hubbard
Jordan
Lapsley

McDowell
Millsap
Riddle

Scruggs
Teasley
Warren

—14

Nays:

Messrs.:

Bartlett
Cooper
Cowart

Delony
Duncan
Edmundson

Farmer
Faulk
Fletcher

Powell
Walker
Wikle

—12

PAIR ANNOUNCED

Mr. Brown announced that he and Mr. Garrett were paired on this vote; that Mr. Garrett, if present, would vote yea, and he, Mr. Brown, would vote nay.

The bill:

S. 176. To appropriate the sum of Thirty-five Hundred Dollars for the relief of Mrs. Myrtle Downey.

Was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to said bill to-wit:

Amend S. B. 176 by striking out the words and figures "Thirty-five hundred" where they appear in Caption and Section 1 of said bill, and inserting in lieu thereof, "Twenty-five hundred".

Which was adopted.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Cooper
Craft
Darden

Duncan
Goodwin
Hildreth
Hooton
Hubbard
Lapsley

McDowell
Millsap
Powell
Riddle
Scruggs

Shepherd
Teasley
Walker
Warren
Wikle

—22

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 18; nays, 1.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Cooper
Craft

Darden
Duncan
Goodwin
Hildreth
Hooton

Jordan
Lapsley
McDowell
Powell

Riddle
Teasley
Warren
Wikle

—18

Nay: Mr. Shepherd

— 1

The bill:

S. 193. To amend Section 1897 of the Code of Alabama of 1923, in relation to the borrowing of money by municipalities.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Jordan	Powell
Beasley	Delony	Kelley	Shepherd
Bonner	Duncan	Lapsley	Teasley
Cooper	Edmundson	McDowell	Warren
Cowart	Farmer	Millsap	Wikle
Craft	Hildreth		

—22

The bill:

S. 187. To prohibit the diversion, misappropriation, misapplication or misuse of any trust funds of the State and to provide penalties for a violation of said Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Scruggs
Bonner	Farmer	Lapsley	Shepherd
Cooper	Goodwin	McDowell	Warren
Craft	Hildreth	Millsap	Wikle
Darden	Hooton		

—22

The bill:

S. 199. To amend Section 10593 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Shepherd
Beasley	Duncan	Lapsley	Teasley
Bonner	Farmer	Millsap	Walker
Cooper	Goodwin	Powell	Warren
Craft	Hildreth	Riddle	Wikle
Darden	Hooton	Scruggs	

—23

The bill:

S. 200. To amend Section 1907 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 21; nays, 2.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Powell
Beasley	Duncan	Hubbard	Scruggs
Bonner	Edmundson	Lapsley	Tasley
Cooper	Farmer	McDowell	Walker
Craft	Goodwin	Millsap	Wikle
Darden			

—21

Nays: Messrs. Riddle and Shepherd

— 2

The bill:

S. 198. To authorize the State Docks Commission to pay to Mrs. Katherine T. Johnson, as widow of John Johnson, deceased, the sum of Five Thousand (\$5,000.00) Dollars out of its treasury, as compensation for the death of the said John Johnson, while acting within the line of his duty as pilot while in the employment of said State Docks Commission.

Was read a third time at length and passed; and ordered sent forthwith to the House without engrossment.

Yeas, 20; nays, 1.

Yeas:

Messrs.:

Bartlett	Duncan	Hooton	McDowell
Bonner	Edmundson	Hubbard	Powell
Cooper	Farmer	Jordan	Scruggs
Craft	Goodwin	Lapsley	Warren
Darden	Hildreth	McDaniel	Wikle

—20

Nay: Mr. Walker

— 1

The bill:

S. 201. To provide for establishing a uniform system of accounting in the County offices in all Counties of this State where officers are charged with the duty of receiving, disbursing and accounting for public funds or other funds, by requiring the State Comptroller to prepare such forms of bookkeeping and accounting records, reports and other blank forms as may be necessary for the installation of such uniform accounting system, by providing for the purchase of all necessary stationery, record books and supplies, by prescribing such system to be the official system of accounting to be used by such officers, by requiring such County Officers to maintain and keep accounts and make reports according to such system, and by making it unlawful for any such officer to fail or refuse to keep the accounts of his office or to make required reports according to the official system as is hereby established, and to prescribe penalties and punishments for violations of the provisions of this Act.

Was taken up.

Mr. Hildreth offered the following amendment to said bill, to-wit:

Amend Senate Bill No. 201 as follows:

1. By changing the period at the end of section one as now written to a semi-colon, and adding thereto the following, "And the said State Comptroller may change or alter such forms from time to time as appears advisable to him."

2. By striking from Section 2 the following, "That in accordance with such prepared forms" and substitute in lieu thereof the following, "That the State Comptroller shall purchase on competitive bids all such forms, accounting books, records, report and other blank forms as may be necessary for use by the various counties, from time to time, such purchases being made in combined lots for all the counties."

3. By adding in the third line of Section 4 of the printed copy of said bill between the words "to" and "fail", the word "wilfully".

Which was adopted.

Yeas, 20; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Cooper
Craft

Darden
Delony
Duncan
Farmer
Goodwin

Hildreth
Hooton
Jordan
Kelley
McDowell

Scruggs
Shepherd
Walker
Warren
Wikle

—20

Mr. Riddle offered the following amendment to said bill as amended to-wit:

Amend Section 2 of Senate Bill 201. by adding at the end thereof the following words:

Each County may purchase said forms, books, records, blanks and other stationary from any person or agency provided such County shall not pay more for same than is required for such purchase through the State Comptroller.

Which was adopted.

Yeas, 24; nays, 0.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Cooper
Craft
Darden

Delony
Duncan
Farmer
Goodwin
Hildreth
Hooton

Hubbard
Jordan
McDaniel
McDowell
Millsap
Powell

Riddle
Scruggs
Shepherd
Walker
Warren
Wikle

—24

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 22; nays, 1.

Yeas:

Messrs.:

Bartlett	Delony	Kelley	Scruggs
Beasley	Farmer	McDowell	Shepherd
Bonner	Hildreth	Millsap	Walker
Cooper	Hooton	Powell	Warren
Craft	Hubbard	Riddle	Wikle
Darden	Jordan		

—22

Nay: Mr. Duncan

— 1

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills, your signature thereto is requested:

H. 487. To provide for the employment of four prison guards for the Mobile County jail by the Sheriff of Mobile County to perform such duties at the jail as may be assigned to them by the Sheriff; to fix their compensation and provide for payment of same out of the County Treasury and to provide that all laws, general, local, or private, and all parts of any such laws in conflict with the provisions of this Act are hereby repealed; and to provide that this Act shall take effect immediately upon its passage and approval.

Also:

H. 488. To provide for the employment of not exceeding three road patrolmen for Mobile County by the Sheriff; to define their duties and to vest in such patrolmen the authority and duties of Deputy Sheriffs; to fix their compensation and to provide for the payment of same out of the General Funds of the County as the salaries of other county employees are paid; to provide that such patrolmen shall hold office at the will of the Sheriff appointing them but not beyond the expiration of his term; to provide that the Board of County Commissioners; the Board of Revenue and Road Commissioners or other like governing body in Mobile County is hereby directed and authorized to purchase automobiles and other equipment including supplies such as gasoline, oils, greases, tools and other apparatus necessary in the operation and maintenance of such automobiles or other equipment, as may be requisitioned by the Sheriff for the use of the patrolmen appointed and employed under the provisions of this Act and to keep such automobiles and other equipment in proper repair; to provide that all laws and parts of laws, general, local, private or special in conflict with the provisions of this Act be and the same are hereby re-

pealed, and to provide that this Act shall take effect immediately upon its passage and approval.

Also:

H. 489. To amend Section 14 of an Act approved February 23rd, 1899, entitled "An Act to establish an Inferior Criminal Court in the County of Mobile," as amended by an Act approved February 21st, 1907, entitled "An Act to amend Sections two (2), three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), thirteen (13), and fourteen (14), of an Act entitled an Act to establish an Inferior Criminal Court in the County of Mobile approved February 23rd, 1899," and further amended by an Act approved August 26, 1927, entitled, "An Act to amend Sections 4 and 9 of an Act entitled an Act to amend Sections two (2), three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), thirteen (13), and fourteen (14), of an Act entitled an Act to establish an Inferior Criminal Court in the County of Mobile, Alabama, approved February 23rd, 1899—approved February 21st, 1907," so as to provide that the Sheriff, as compensation for the services required of him and for furnishing the Bailiff shall receive and be paid the same fees prescribed for the Sheriff by the General Law for the performance of such services.

J. H. Stewart,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 72. In reference to and to further provide for the general revenue of the State of Alabama.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 183. To amend an Act, entitled: "An Act to create and establish a Board of County Commissioners in and for Madison County, Alabama, in the place and stead of the Board of Revenue of Madi-

son County now existing in said county, and abolishing said Board of Revenue in Madison County; to divide said county of Madison into five districts, defining the boundaries thereof; defining the jurisdiction of said Board of County Commissioners, fixing their compensation; conferring upon said Board of County Commissioners all the jurisdiction, powers and authority granted by law to County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this state; and to authorize said Board of County Commissioners for the purpose of maintaining the public roads, bridges and ferries of Madison County to impose a tax on gasoline, Woco-Pep or other substitute therefor sold in the county, not to exceed three cents per gallon, and to provide the machinery for its collection; authorizing the appointment of said Board of County Commissioners of a clerk, and a supervisor of Public Roads, providing for the holding of monthly meetings of said Board of Commissioners and providing for the repeal of all laws in conflict with this Act; providing for the appointment, nomination and election of said Board of Commissioners approved September 20th, 1923," as amended by local act of the Legislature of Alabama, approved February 15th, 1927, and by Local Act of the Legislature of Alabama approved July 20th, 1931; by amending Section 12½ to authorize and empower the Board of County Commissioners to make donation to Local Chapter of the American Red Cross in said County, and for that purpose to appropriate to said donation a portion of County gasoline tax, and to ratify appropriations heretofore made to Local Red Cross Chapter.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON REVISION OF JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Twenty-Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and, on motion of Mr. Farmer, said report was concurred in and the Journal of the Senate for the Twenty-second Legislative Day, approved.

ADJOURNMENT

At 5:05 P. M., on motion of Mr. Hooton, and pursuant to joint resolution heretofore adopted, the Senate adjourned until Friday, October 14th, 1932, at 10 A. M.

TWENTY-THIRD DAY

Friday, October 14th, 1932.

The Senate met pursuant to adjournment, Lieutenant-Governor Merrill, presiding.

PRAYER

By H. G. Earnest, doorkeeper of the Senate.

ROLL CALL

Present :

Messrs.:			
Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

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JOURNAL

On motion of Mr. Duncan, the reading of the Journal of yesterday was dispensed with and the same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of Districts bills were introduced, severally read one time and referred to appropriate Standing Committees, as follows:

By Mr. Jordan:

S. 231. To provide that warrants issued by the State of Alabama may be used by the owners or holders thereof to pay state taxes or any indebtedness due the State of Alabama and that the State Treasurer, county tax collectors and any and all other officials whose duty it is to collect state taxes or indebtedness due the State of Alabama shall receive and accept said state warrants at face value in payment of state taxes or indebtedness due the State of Alabama; to provide further that any such warrants which have been or may be sold or transferred by the original owners at a discount of more than 10% shall not be accepted by such treasurer, county tax collectors or any other officials in payment of state taxes or indebtedness due the State of Alabama.

Committee on Finance and Taxation.

By Mr. Bonner:

S. 232. To authorize and empower the Board of Revenue or Court of County Commissioners, of each and every County in Alabama to expend an amount not to exceed one-third of the total

amount that may be received by each county from the levy and collection of any tax on gasoline in the payment of any debt that may have been heretofore incurred by such county for the construction and/or maintenance of roads or bridges.

Committee on Finance and Taxation.

By Mr. Mullins:

S. 233. To amend Section 1201 of the Code of 1923. Appropriation for sick and wounded.

Committee on Finance and Taxation.

By Mr. Craft:

S. 234. For the relief of Mobile County, requiring the State of Alabama to take over the title to, the possession of, the upkeep and maintenance of Mobile County Highway Improvement No. 11, consisting of that portion of telegraph road from three mile creek to chickasaw, and described as commencing at the intersection of the present telegraph road with the south bank of three mile creek and running thence northwestwardly following the present location of the telegraph road through the town of plateau and connecting with the Craft Highway (State Highway No. 5) at chickasaw, Alabama, a total distance of 3.5 miles; Mobile County Highway Improvement No. 12, known as the Bay Bridge Approach, and described as commencing at the intersection of the telegraph Road and the Pritchard Road, at a point on the Telegraph Road approximately one-half mile north of three mile creek and following the paved roadway east a distance of approximately one-quarter mile, crossing the southern railroad on a concrete viaduct; at this point continued eastwardly following a double paved roadway a distance of approximately three quarters of a mile to the west end of the Cochrane Bridge; also an additional roadway described as follows: Beginning at the west end of the double paved roadway above described and running southwestwardly following a paved roadway to an intersection with the Telegraph Road at a point 250 feet north of three mile creek, a total distance of 1.5 miles; Mobile County Highway Improvement No. 13, known as the Mount Vernon-Citronelle Road, commencing at an intersection with the Craft Highway at Mount Vernon known as State Highway No. 5, at a point near Curry's Drug Store and running Westwardly through the following Sections in Township 2 north, Range 1 west, 36, 26, 27, 28, 21, 20 and 19; also through the following Sections in Township 2 north, Range 2 west, 24, 13, 14, 23, 22, 21, 28, 29 and 30 to an intersection with the City Limits of the Town of Citronelle in Section 30, Township 2, north, range 2 west, a total distance of 14.25 miles; Mobile County Highway Improvement No. 14, known locally as the Prine Road and described as commencing at the point where Main Street in Citronelle intersects the western City Limits of the town of citronelle and extending westwardly through the following Sections in Township 2, north, Range 3 west 35 and 34 and through the following sections in Township 1 north, Range 3 west, 3, 4, 9, 8, 15, 14, 19 and through the

- following Sections in Township 1 north, Range 4 west, 24 and 23 to an intersection with the Lott Road near the center of Section 23, Township 1 north, Range 4 west, a total distance of 8 miles; and to require the State of Alabama to reimburse Mobile County for the full amount of the money expended by Mobile County in the construction of the said roads.

Committee on Public Roads and Highways.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill, the substance of which is hereinafter set out, will be introduced for passage in the Legislature of Alabama at the Special Session, which convened on August 16, 1932, at the call of the Governor.

A BILL TO BE ENTITLED AN ACT

For the relief of Mobile County, requiring the State of Alabama to take over the title to, the possession of, the upkeep and maintenance of Mobile County Highway Improvement No. 11, consisting of that portion of Telegraph Road from Three Mile Creek to Chickasaw, and described as commencing at the intersection of the present Telegraph Road with the South Bank of Three Mile Creek and running thence Northwestwardly following the present location of the Telegraph Road through the town of Plateau and connecting with the Craft Highway (State Highway No. 5) at Chickasaw, Alabama, a total distance of 3.5 miles; Mobile County Highway Improvement No. 12, known as the Bay Bridge Approach, and described as commencing at the intersection of the Telegraph Road and the Prichard Road at a point on the Telegraph Road approximately one-half mile North of Three Mile Creek and following the paved roadway East a distance of approximately one-quarter mile, crossing the Southern Railroad on a concrete viaduct; at this point continue Eastwardly following a double paved roadway a distance of approximately three quarters of a mile to the west end of the Cochrane Bridge; also an additional roadway described as follows: Beginning at the West end of the double paved roadway above described and running Southwestwardly following a paved roadway to an intersection with the Telegraph Road at a point 250 feet North of Three Mile Creek, a total distance of 1.5 miles; Mobile County Highway Improvement No. 13, known as the Mount Vernon-Citronelle Road, commencing at an intersection with the Craft Highway at Mount Vernon known as State Highway No. 5 at a point near Curry's Drug Store and running Westwardly through the following sections in Township 2 North Range 1 West, 36-26-27-28-21-20 and 19; also through the following sections in Township 2 North Range 2 West, 24-13-14-23-22-21-28-29 and 30 to an intersection with the City Limits of the town of Citronelle in Section 30, Township 2 North Range 2 West, a total distance of 14.25 miles; Mobile County Highway Improvement No. 14, known locally as the Prine Road and described as commencing at the point where Main Street in Citronelle intersects the Western City Limits of the town of Citronelle and extending Westwardly through the following sections in Township 2 North Range 3 West, 35 and 34, and through the following sections in Township 1 North Range 3 West, 3-4-9-8-15-14-19 and through the following sections in Township 1 North Range 4 West, 24 and 23 to an intersection with the Lott Road near the center of Section 23, Township 1 North Range 4 West, a total distance of 8 miles; and to require the State of Alabama to

reimburse Mobile County for the full amount of the money expended by Mobile County in the construction of the said roads.

Be it Enacted By the Legislature of Alabama:

Section One. That the State of Alabama is hereby authorized, required and directed to take over the title to, the possession of, the upkeep and maintenance of Mobile County Highway Improvement No. 11, consisting of that portion of Telegraph Road from Three Mile Creek to Chickasaw, and described as commencing at the intersection of the present Telegraph Road with the South bank of Three Mile Creek and running thence Northwestwardly following the present location of the Telegraph Road through the town of Plateau and connecting with the Craft Highway (State Highway No. 5) at Chickasaw, Alabama, a total distance of 3.5 miles; Mobile County Highway Improvement No. 12, known as the Bay Bridge Approach and described as commencing at the intersection of the Telegraph Road and the Prichard Road at a point on the Telegraph Road approximately one-half mile North of Three Mile Creek and following the paved roadway East a distance of approximately one-quarter mile, crossing the Southern Railroad on a concrete viaduct; at this point continue Eastwardly following a double paved roadway a distance of approximately three quarters of a mile to the west end of the Cochrane Bridge; also an additional roadway described as follows: Beginning at the West end of the double paved roadway above described and running Southwestwardly following a paved roadway to an intersection with the Telegraph Road at a point 250 feet North of Three Mile Creek, a total distance of 1.5 miles; Mobile County Highway Improvement No. 13, known as the Mount Vernon-Citronelle Road, commencing at an intersection with the Craft Highway at Mount Vernon known as State Highway No. 5 at a point near Curry's Drug Store and running Westwardly through the following sections in Township 2 North Range 1 West, 36-26-27-28-21-20 and 19; also through the following sections in Township 2 North Range 2 West 24-13-14-23-22-21-28-29 and 30 to an intersection with the City Limits of the town of Citronelle in Section 30, Township 2 North Range 2 West, a total distance of 14.25 miles; Mobile County Highway Improvement No. 14, known locally as the Prine Road and described as commencing at the point where Main Street in Citronelle intersects the Western City Limits of the town of Citronelle and extending Westwardly through the following sections in Township 2 North Range 3 West, 35 and 34, and through the following sections in Township 1 North Range 3 West, 3-4-9-8-15-14-19 and through the following sections in Township 1 North Range 4 West, 24 and 23, to an intersection with the Lott Road near the center of Section 23 Township 1 North Range 4 West, a distance of 8 miles.

Section Two. That the said County of Mobile shall make a true and correct statement of all the money it spent in the construction, improvement and paving of said roads, and upon the presentation of such statement to the State Auditor of Alabama, said Auditor shall examine or cause to be examined such statement, and if same is found correct, said Auditor shall issue the State's warrant in favor of said Mobile County, drawn upon the State Treasurer for the amount found to be correct, and said Treasurer shall honor and pay said warrant out of the funds of the State of Alabama, and same shall be turned into the general fund of Mobile County, Alabama.

Section Three. This Act shall take effect upon its passage.

J. G. McDonnell being sworn, says that he is Clerk of The Mobile Press-Register, a daily newspaper printed and published in the City of Mobile, in the State of Alabama.

That the advertisement, attached, appeared in the issues of Register, Sept. 15-22-29, Oct. 6, 1932.

J. G. McDONNELL.

Sworn to and subscribed before me this 11th day of Oct., 1932.

JANIE RYSER DAVIS,
Notary Public.

(Seal)

By Mr. McDaniel:

S. 235. To make appropriations for the ordinary expenses of the executive, Legislative, and judicial departments of the State, for the interest on the public debt, and for the public schools.

Committee on Finance and Taxation.

By Mr. McDaniel:

S. 236. To amend an Act entitled "An Act in relation to the educational system of Alabama; to make appropriations and provide funds for the support, maintenance and development of public education in Alabama, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, The Alabama School of Trades and Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama; and to prescribe conditions of apportionment and expenditure of such funds or appropriations," Approved August 25th, 1927.

Committee on Finance and Taxation.

By Mr. McDaniel:

S. 237. To amend an Act entitled "An Act to provide for the maintenance of the Alabama Home for Mental Inferiors", approved February 3, 1923.

Committee on Finance and Taxation.

By Mr. McDaniel:

S. 238. To amend Section 1463 of the Code of Alabama of 1923.

Committee on Finance and Taxation.

By Mr. McDaniel:

S. 239. To authorize the Treasurer of the State of Alabama to pay out of any money coming into the treasury from taxation to the credit of the Public School Funds, to the credit of Alabama Special Educational Trust Funds, or to the credit of any other funds, general or special during the fiscal year beginning October 1st, 1932, or any subsequent fiscal year, the warrants, certificated by the Governor of Alabama and the Auditor of the State of Alabama, and due and payable on the following dates: January 16th, 1933, February 1st, 1933, February 14th, 1933, and February 27th, 1933, and renewals or extensions thereof.

Committee on Finance and Taxation.

By Mr. Craft:

S. 240. To create and establish in Mobile County, Alabama, a court to be known as and called the "Inferior Criminal Court of Pritchard," with the jurisdiction stated in this Act, in criminal cases over and throughout the entire County of Mobile outside the cor-

porate limits of the City of Mobile; to provide for its jurisdiction; to provide for its officers, their terms of office, the manner and times of their selection, appointment and election, their jurisdiction, qualifications, powers, duties and compensations and to provide for the payment of such compensations out of the Mobile County Treasury and require the county treasurer to pay the same; to provide for their oaths and bonds; to provide for the summoning of witnesses before said court and to fix their fees; to fix the fees and costs in said court and to provide for the payment over of same, and to provide for the terms, places of holding court, trials, forms, dockets, rules of procedure and operation of said court; to require the revenue and road commissioners of Mobile County or like governing body in said county to furnish for said court a building or room in the town of Pritchard with suitable furniture, fuel, books, stationery and seal; to provide for the service of process from said court by the sheriff of Mobile County and to fix his compensation therefor, and to provide for appeals from judgments of said court; to repeal all laws and parts of laws contrary to the provisions of this Act and to provide that this Act shall take effect immediately upon its passage and approval by the Governor; to provide that if any section, clause or provision of this Act shall be declared invalid or unconstitutional it shall not effect any other section, clause or provision but the same shall remain in full force and effect.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made to the special session of the Legislature convened on to-wit August 16th, 1932, by call of the Governor for the passage of a local Law providing in substance as follows:

AN ACT

To create and establish in Mobile County, Alabama, a Court to be known as and called the "Inferior Criminal Court of Prichard," with the jurisdiction stated in this act, in criminal cases over and throughout the entire County of Mobile outside the Corporate limits of the City of Mobile; to provide for its jurisdiction; to provide for its officers, their terms of office, the manner and times of their selection, appointment and election, their jurisdiction, qualifications, powers, duties and compensations and to provide for the payment of such compensations out of the Mobile County treasury and require the County Treasurer to pay the same; to provide for their oaths and bonds; to provide for the summoning of witnesses before said Court and to fix their fees; to fix the fees and costs in said Court and to provide for the payment over of same, and to provide for the terms, places of holding Court, trials, forms, dockets, rules of procedure and operation of said Court; to require the revenue and Road Commissioners of Mobile County or like governing body in said County to furnish for said Court a building or room in the Town of Prichard with suitable furniture, fuel, books, stationery and seal; to provide for the service of process from said Court by the Sheriff of Mobile County and to fix his compensation therefor, and to provide for appeals from judgment of said Court; to repeal all laws and parts of laws contrary to the provisions of this act and to provide that this act shall take effect immediately upon its passage and ap-

proval by the Governor; to provide that if any section, clause or provision of this act shall be declared invalid or unconstitutional it shall not effect any other section, clause or provision but the same shall remain in full force and effect.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established in Mobile County, Alabama, an inferior court to be known as and called the "Inferior Criminal Court of Prichard" which shall have and exercise jurisdiction of and in all criminal cases as hereinafter provided, over and throughout the entire County of Mobile outside the corporate limits of the City of Mobile.

Section 2. The said court shall have in the portions of the County of Mobile covered by the act, all jurisdiction in criminal cases which courts of justices of the peace now have under the general laws of the State of Alabama;

Section 3. The officers of said court shall consist of a judge who shall be known and designated as "Judge of the Inferior Criminal Court of Prichard," and a clerk who shall be known and designated as "Clerk of the Inferior Criminal Court of Prichard," both of whom shall be qualified electors of the County of Mobile and residents of the County of Mobile, outside the corporate limits of the City of Mobile and each of whom shall be over the age of twenty-one years; The term of office of the judge of said court shall be six years and the clerk shall hold office throughout the term of the Judge appointing him.

Section 4. Immediately upon the passage and approval of this act the Senate of the State of Alabama, shall elect a judge of said court who shall hold office as such judge until the next general election following January 1st, 1933 and until his successor is elected and qualified, when, and every six years thereafter a judge of said court shall be elected by the qualified electors of Mobile County; The Judge of said court shall be learned in the law and admitted to the practice of law; he shall not, during his term of office, act as attorney in any matter that is or has previously been pending in the court but he may practice in other courts. The judge of said court, before entering upon the discharge of his duties as such judge shall qualify by taking the oath of office prescribed by the constitution and shall be required to furnish bond with sufficient security in the sum of two thousand dollars conditioned and approved in the same manner as is required by law for the conditioning and approval of bonds of justices of the peace, and said bond can be given by any solvent surety company and shall be accepted by the Probate Judge of Mobile County. The judge of said court shall be a magistrate and conservator of the peace with all the powers of a magistrate or conservator of the peace which are or may be, by the general law of this state conferred upon justices of the peace, and shall have all the powers and authority of justices of the peace under the general laws of the state, in the territory over which the jurisdiction of said court extends; He shall have and exercise all the jurisdiction and have all the other powers and authority in said portions of Mobile County which are now or may hereafter be conferred by general law of Alabama on justices of the peace in criminal and quasi-criminal cases; he shall have the same power to imprison or sentence defendants to hard labor for the county for non-payment of costs as is possessed by the Circuit Courts of this State; he shall have jurisdiction of all bastardy proceedings and proceedings to keep the peace such as are now exercised by justices of the peace under the general laws of this state and shall have jurisdiction of all cases for abusive, insulting or obscene language as prescribed in Section 3193 of the Code of Alabama; and shall have final jurisdiction of all misdemeanors under the laws of the State subject to right of appeal as herein prescribed; he shall have authority to issue warrants in all cases wherein he has jurisdiction in the same manner as justices of the peace now have under the general laws of this state; He shall require the clerk of the said court hereinafter provided for, to perform all the duties hereinafter prescribed for the said clerk and shall superintend

the said clerk in the execution of all duties hereinafter prescribed for him; he shall have the power to punish for contempt of court by fine not to exceed ten dollars and by imprisonment not to exceed twenty-four hours, one or both. The court herein provided for shall be a court of record with a seal and the Judge or Clerk shall have authority to certify the records and proceedings of said court; The Judge of said court shall have the power and authority to perform marriage ceremonies such as is now possessed by Justices of the peace.

Section 5. In case the judge of this court, by reason of sickness or otherwise, is incapacitated to hold Court, he shall have authority to appoint or designate some competent person to act as judge of said court until the judge herein provided for shall be able to return to duty and the clerk of said court, under direction of the judge, shall enter the appointment upon the records of the court, and the said judge so appointed shall have all the powers and authority herein conferred upon the Judge of said Inferior Criminal Court; and the said judge *pro tem* shall qualify, by taking the same oath and entering into the same bond as is required by the regular judge. Such Judge *pro tem* shall receive as compensation for his services Ten dollars per day for each day he is actively employed in holding such court to be paid as the salary of the regular judge is paid and deducted from the salary of the regular judge unless he shall upon recovery file with the treasurer of Mobile County an affidavit of some reputable physician of Mobile County that he was physically unable to discharge his duties as Judge of said Court.

Section 6. The judge of said inferior criminal court shall appoint some competent person of qualifications prescribed in Section 3 of this Act, to act as clerk of his said court. The duty of said clerk shall be to attend all sessions of said court and to keep a record of all proceedings in the said court, he shall keep in a book to be furnished by the commissioners of Mobile County, Alabama, a properly arranged docket of all cases tried in said court and all examinations had therein, which docket shall set forth the nature of the case, the date of the issuance and return of all processes and a statement of the judgment rendered in the case, sufficient to clerly show what was done in the case, together with an itemized copy of the bill of costs and by whom paid. The said clerk shall have authority under the direction of the judge of said court to issue warrants sworn out in said court and to take and certify the affidavit of the prosecutor; He shall attend upon the duties of said court at such hours as are designated by the judge thereof and shall perform such other clerical duties as may be prescribed by the judge of said court. The said clerk before entering upon the discharge of his duties shall be required to furnish to the Probate Judge of Mobile County, a bond with sufficient security in the sum of Two Thousand ollars to be conditioned and approved in the same manner as is the bond herein required for the judge of said court, and said bond can be given in a solvent guaranty and indemnity company. It shall be the duty of said clerk to assess and collect in each criminal case all the costs, fines and fees provided for hereunder and such monies so collected by him shall be at once paid over to the Judge of the said court. The clerk shall have authority to swear witnesses at the trial of all criminal cases in said court.

Section 7. The forms authorized by law to be used by justices of the peace in like proceedings, or others substantially the same, may be used by said judge or clerk of said inferior criminal court.

Section 8. The same costs shall be taxed and collected by the said judge of the said inferior criminal court, or the clerk acting under his direction, and in the same manner, as is provided by general law of the State of Alabama, for justices of the peace, and when the prosecution is frivolous or malicious the said judge may tax the prosecutor with the costs. Whenever the defendant be acquitted or discharged, and costs are taxed against the prosecutor, he may confess judgment with good and sufficient sureties, and failing so to do or to

pay the costs presently, must be imprisoned in the county jail or sentenced to hard labor for the county, for not exceeding ten days. The person who makes affidavit to have the warrant issued shall be deemed and held to be the prosecutor.

Section 9. It shall be the duty of the judge of said court to report and pay into the county treasury on Monday of each week the amount of fines, forfeitures, penalties and costs collected by him since the date of his last report.

Section 10. Witnesses may be summoned and be required to attend court and testify in cases before said judge of the said Inferior Criminal Court and shall be entitled to the same fees, to be collected in the same manner, as is provided in like cases before justices of the peace under the general laws of Alabama, and at the end of the trial or examination they shall receive certificates, and if the said fees are not called for within six months, they shall be forfeited and paid into the county treasury.

Section 11. The provisions of Sections 3851, 3853, 3855, 3856, 3857, 3858 and 3859 shall be applicable to trials before said Inferior Criminal Court.

Section 12. The said Inferior Criminal Court of Prichard shall be located in the Town of Prichard in Mobile County, Alabama, and the court shall be held in said town of Prichard in the building or room to be provided and furnished by the Board of Revenue and Road Commissioners of Mobile County or like governing body with suitable furniture, fuel, books, stationery and seal and it is hereby made the duty of said commissioners to furnish same; The court shall be opened for the transaction of business at all times excepting on Sundays and legal holidays; and it shall be the duty of the solicitor of Mobile County, when requested by the judge of said court, to prosecute in the name of the State all offenses which may be tried before such Inferior Criminal Court that may be punished capitally, unless the said solicitor is engaged in the Circuit Court, at the time of such trial.

Section 13. From any judgment of this court the defendant shall have the right of appeal to the Circuit Court of Mobile County, Alabama, under the same regulations and requirements as now govern appeals from courts of justices of the peace under the general laws of the State of Alabama, and the bond furnished in such cases shall be governed by the same law as now regulates appeals from courts of justices of the peace.

Section 14. The compensation of the judge of the inferior criminal court created by this act shall be Three Thousand and 00/100 (\$3,000.00) dollars per annum payable monthly out of the county treasury.

Section 15. The compensation of the clerk of the inferior criminal court created by this act shall be Eighteen Hundred and 00/100 (\$1,800.00) dollars per annum payable monthly out of the county treasury.

Section 16. The treasurer of Mobile County, Alabama, is required to pay the compensation of the judge and the compensation of the clerk of said court as provided for in Sections 14 and 15 of this Act.

Section 17. The Board of Revenue and Road Commissioners of Mobile County, Alabama, are required to furnish for this court in the Town of Prichard a building or room for the holding of said court, with suitable furniture, fuel, books, stationery and seal as provided for in Section 12 of this Act.

Section 18. The said judge and clerk of said inferior criminal court shall address all processes of whatever nature or kind to the Sheriff of Mobile County, who shall either himself or by deputy execute the same. When required by the said judge the sheriff shall furnish a bailiff for the said inferior criminal court and as compensation for the services required of him he shall receive the fees as provided for in Section 3741 of the Code of Alabama.

Section 19. All laws and parts of laws contrary to the provisions of this act are hereby repealed.

Section 20. If for any reason any section, clause or provision of this act shall be declared to be invalid or unconstitutional, it shall not be held to and

shall not affect any other section, clause, or provision but the same shall remain in full force and effect.

Section 21. The act shall take effect immediately upon its passage and approval by the Governor.

State of Alabama }
County of Mobile }

Before me, Mary Evelyn Biles, a Notary Public in and for said State and County, personally appeared R. L. O'Neal, Jr., who is known to me and who being sworn says:

Affiant is Editor of "The Citizen," and has personal knowledge of the facts herein stated; that notice of intention to apply to the Legislation of Alabama, convened on to-wit; August 16th, 1932, by call of the Governor for the passage of a local law, copy of which notice is heretofore attached, was published without cost to the State in "The Citizen," a newspaper published at Prichard in Mobile County, Alabama, that being the county to be affected by said law, once a week for four consecutive weeks prior to the introduction of the bill.

Affiant further says that the notice, copy of which is attached to this affidavit, was published in "The Citizen" once a week for four consecutive weeks, viz: on September 2nd, 1932, September 9th, 1932, September 16th, 1932 and September 23rd, 1932. Affiant further says that said notice was published without cost to the State.

R. L. O'NEAL.

Sworn to and subscribed before me this 10th day of September, 1932.

MARY EVELYN BILES,
Notary Public, Mobile County, Alabama.

My commission expires Feb. 1st, 1933.
(Seal)

By Mr. Craft:

S. 241. Creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last Federal Census of not less than 100,000 and not more than 175,000; defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners or by whatever name they shall be known of said counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order and judgment of said courts; making it an offense for any person knowingly or wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment thereof; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of

children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said Juveniles, and provide for the repeal of certain laws.

Committee on Local Legislation.

By Mr. Teasley:

S. 242. To fix the compensation or salaries and allowances to be paid to sheriffs in all counties in this State, which now have or which may hereafter have a population of 75,000 people and less than 110,000 people according to the last Federal Census or any such census which may hereafter be taken where such sheriffs are constitutionally paid upon a salary basis and to regulate the payment of same, and to regulate the office of said sheriff, and to authorize, empower and require the courts of County Commissioners, Boards of Revenue or other courts of like jurisdiction to provide and furnish the said sheriffs with necessary quarters, books and stationery, and to provide for the payment of same.

Committee on Banking and Insurance.

REPORTS OF COMMITTEES

Mr. Teasley, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teasley:

S. 50. To provide for a more efficient system of administration of the State Government by perfecting a coordination between the several executive departments; and for that purpose and to that end there is hereby created and established a State Executive Commission to be composed of five members, together with the Governor who shall be ex-officio chairman of said Commission, and a secretary of said Commission; to provide for the appointment of members of said commission, and secretary of said commission, and filling vacancies on same; to fix the term of office, salaries and define the duties of said commission, and secretary of said commission; to prescribe rules and regulations governing said commission; to vest in said commission all of the

power and authority now vested by law in the State Highway Commission, the State Tax Commission, the State Board of Administration and State Budget Commission; to provide for officers of the Alabama State Bridge Commission; to abolish the State Highway Commission, the State Tax Commission, the State Board of Administration and State Budget Commission.

By Mr. Edmundson (by request) (with amendment):

S. 192. For the relief of W. T. Johnson: To provide for the refund of Fifteen Hundred and No/100 Dollars (\$1,500.00) being the proportionate part paid for a license to do business and such business was after prohibited by law before the time granted in the license had expired: To authorize the Auditor to issue a voucher for said amount, and to authorize the Treasurer of the State of Alabama to pay the same out of the general fund.

By Mr. Lapsley:

S. 217. To authorize and provide for the payment of a sum not to exceed Six Hundred Dollars for the relief of Mims Russell, as administrator of the Estate of Lewis Bennett deceased, formerly of Safford, Dallas County, Alabama, who was killed during the month of November, 1930, as a result of being run over or against by a State Highway Department truck, the property of the State of Alabama.

By Mr. Edgar:

H. 73. In relation to the educational system of Alabama; to make appropriations and provide funds for lengthening the terms of the elementary public schools of the State and to prescribe conditions or apportionment and expenditure of such funds or appropriations.

By Mr. Coats (with notice and proof):

H. 131. For the relief of William H. Winston and Estella Winston both of Clarke County, Alabama, whose son Percy Winston was killed by a crazed inmate of the Alabama insane hospital at Mt. Vernon, Alabama, while the said Percy Winston was in the discharge of his duties as an employee of the State of Alabama at said hospital.

By Mr. Stokes (with amendment):

H. 12. To provide for the levy, assessment, payment and collection of an excise tax for the privilege of engaging in the State of Alabama in the business of banking and of conducting a financial business employing moneyed capital coming into competition with the business of National Banks, to provide for the making of returns for assessment of said tax, to prescribe the rate of such tax and the privileges and exemptions secured by its payment, to provide for the distribution of the proceeds of such tax to the State and to the several counties and municipalities of the State, penalties for failure to make such returns and for failure to pay said tax, and to exempt moneyed capital so employed and shares of corpora-

tions and associations which return and pay said excise tax from ad valorem taxation.

By Mr. Harrison (with amendment):

H. 449. To require and levy an occupation, license or privilege tax on every person who is an official of the State of Alabama, or who is employed by the State of Alabama, or by any department, agency, commission, board or institution of the State of Alabama, or who is an official of any county of the State of Alabama or an employee of any county, or of any agency, board, or commission of said county, or who is an official or employee of any municipality or of any department, agency, commission, or board of any municipality, and whose compensation, either from salary or fees, exceeds the sum of \$1,200.00 per annum; to provide that the warrant, check or voucher for the payment of the salary of such official or employee shall be for the amount of the salary or compensation less the said tax and that where the compensation is by fees instead of salary the official or employee receiving such fees shall report the same and shall pay into the Treasury of the State, County or Municipality, the amount of the said tax, and to provide for the time of payment of such tax.

By Mr. West (with substitute):

H. 479. To provide for the exemption from taxation of property owned by educational institutions located in the State of Alabama, devoted exclusively to educational purposes.

By Mr. Givhan (with amendment):

H. 82. In reference to and to further provide for the general revenue of the State of Alabama.

By Mr. Allen (with amendment):

H. 399. To Amend Section 3040 of the 1923 Code of Alabama.

By Mr. Culver (with amendment):

H. 420. To Amend Section 3048 of the 1923 Code of Alabama.

Mr. McDowell, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Darden:

S. 220. To regulate the operation of trucks and other vehicles on the highways so as to better protect, or, prevent the injuring and the killing of, school children—Pupils or students—while being transported to and from school on school buses, and to provide penalties for violating the provisions of the Act:—

By Mr. Fite:

H. 245. To amend Section 5270 of the Code of Alabama.

By Mr. Fite:

H. 246. To amend Section 3615 of the Code of Alabama.

By Mr. Fite:

H. 247. To amend Section 5268 of the Code of Alabama.

By Mr. Sanderson:

H. 413. Providing for and Relating to the Remedies of a Landlord for recovery of Possession of Rented Premises when such Possession is Wrongfully withheld by the Tenant.

Mr. Hildreth, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Tunstall:

H. 421. To propose an amendment to the Constitution of Alabama, to be known as Article AA, to provide that it shall be unlawful for the Auditor of the State of Alabama to draw any warrant, or other order for the payment of money belonging to, or administered by, the State of Alabama, upon the State Treasurer, unless and until it shall have been certified to such Auditor by Such Treasurer in writing, that there is then in the hands of such Treasurer, money available, and appropriated for the full payment of the same; and to provide that, in case there is, at the end of the fiscal year insufficient money in the State Treasury for the payment of all proper claims presented to the Auditor for the issuance of warrants, for the proration of the same, and for the issuance and payment of warrants for the several prorated sums; and to provide that all unpaid appropriations which exceed the amount of money in the State Treasury at the end of each fiscal year available for their payment, shall become null and void to the extent of such excess; and to provide that if there shall be in the State Treasury, at the end of any fiscal year, any money of the general fund in excess of the appropriations for that year, that the same shall be covered into a special fund for the sole benefit of the common schools of Alabama and to provide penalties for the violation of any of the provisions of such amendment.

This bill was read a second time at length as required by the Constitution.

Mr. Edmundson, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teasley:

S. 223. To amend Section 10358 of the Code of Alabama of 1923.

By Mr. Morrow:

H. 195. To amend an Act entitled An Act, "To create in all cities of the State of Alabama, which have a population of as much

as one hundred seventy thousand people according to the last Federal Census, or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire departments of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to continue as trustees the members of such board as now exist under existing laws during the terms for which they have been elected, same to be trustees under this Act in their respective cities which are governed by this Act and where this Law applies; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; and to continue benefits and relief under this law to such as are receiving same under existing laws in such cities as are governed by this law; to declare the said Board of Trustees the trustees of such fund, to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into such funds of the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenue received from licenses issued by such cities; to transfer and convert into the respective Firemen's Pension and Relief funds as created and provided in this Act the respective funds and moneys and properties constituting Firemen's Pension and Relief funds as are existing respectively under existing laws in Alabama in the cities which shall come under and be governed by the provisions of this Act; and to provide for the administration and use of same; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire departments, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such funds of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of

members of such fire department; to prescribe the duties of the City Attorney and City Physician in connection with the said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits of said fund from levy; to provide the time of taking effect of this Act," approved August 9th, 1927.

By Mr. Tate:

H. 217. To amend Section 2 of an Act entitled An Act "To further prescribe the duties of County Treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal Census; to provide for clerical assistance for such treasurers for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorney; and to require the deposit of county funds," approved October 31, 1921.

By Mr. Morrow (with notice and proof): "

H. 360. To fix the compensation or salary of the Treasurer of Jefferson County, Alabama, and to regulate the payment thereof.

Mr. Mullins, Chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Riddle:

S. 107. To make it unlawful to receive or to cause to be furnished from or by any hospital, infirmary, or sanitorium, board, room, surgical, medical or nursing care with intent to defraud such hospital, infirmary, or sanitorium, and to fix penalty or punishment therefor, and to define what shall be prima facie evidence of such intent to defraud.

Mr. Shepherd, Chairman of the Standing Committee on Military, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kelly of Talladega:

H. 286. To create the Jefferson M. Falkner Preventorium, to provide for a board of trustees therefor and to define the duties and powers of such Board, and fixing the terms of office of the members thereof; to provide for a superintendent of such Preventorium, and to define his rights, duties, and powers; to provide for the fixing of charges for the patients or inmates admitted to said Preventorium, and for the payment of the same and that the State Board of Health and Alabama Committee of Public Health shall advise and cooperate with said Board of Trustees and Superin-

tendent; to permit the use for such purposes of any part of the Jefferson M. Falkner Soldiers Home at Mountain Creek, Alabama, not needed for the use of the inmates of the said Soldiers Home; and to permit the delivery to said Preventorium for use therein of any live-stock, poultry, farm or dairy products belonging to the State, at the discretion of the Governor, for such purposes.

By Mr. Sossaman:

H. 45. To amend Section 1 of an Act of the Legislature of Alabama approved September 29th, 1919 entitled "An Act to declare for the Alabama soldiers who died in the recent war and to make the day a legal holiday in Alabama.

Mr. Powell, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Powell:

S. 228. To fix time allowed Secretary of the Senate and Clerk the 11th day of November in each and every year a memorial day of the House of Representatives to check, compare and deliver the Journals of the Senate and House of Representatives of this session of the legislature to the Secretary of State.

Mr. Darden, Chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Glover of Henry (with notice and proof):

H. 559. To provide that in all cases where the prosecution is commenced in the Justice Court or in the County Court of Henry County, Alabama, and the defendant is acquitted in the Circuit Court of said County, all costs and fees accruing to the Sheriff and to the Clerk of the Circuit Court of said County, in the discharge of their official duties, respectively, in the trial and conduct of such prosecution, shall, where payment thereof is not otherwise provided for, be charged against the fine and forfeiture fund of the County, to be paid out of such fund, in the manner and as now provided for the payment of other claims therefrom; to provide for the payment from the fine and forfeiture fund of the County, all such outstanding claims now held by such officials from the fine and forfeiture fund, and to confirm, ratify, validate, make legal, effective and binding all payments from said fund of all such claims heretofore made therefrom.

By Mr. Granade (with notice and proof):

H. 570. To amend Section 9 of the Local Acts of the Legislature of Alabama of 1911, at pages 275 and 276, entitled an Act to establish an Inferior Civil Court in lieu of Justice of the Peace for all precincts lying within or partly within the City of Mobile, ap-

proved April 15, 1911, as amended by the Local Acts of the Legislature of Alabama, of 1923, at page 216, entitled an Act to amend Section 7 of an Act entitled an Act to establish an Inferior Civil Court in lieu of Justices of the Peace for all precincts lying within or partly within the City of Mobile, said amendment of 1923 having been approved on the 24th day of September, 1923.

By Mr. Holland (with notice and proof):

H. 567. To amend Section 5 of an Act entitled an Act to establish a Court of County Revenues for Lawrence County, and to define its duties and powers, approved December 1, 1898 and as amended by an Act approved 6th day of September, 1927 and to provide for the payment of services of members of the Court of County Revenues out of the gasoline funds for Lawrence County, **Alabama.**

By Mr. Holland (with notice and proof):

H. 550. To authorize, empower and direct the Board of Revenue or Court of County Revenues or other like governing body for Lawrence County, Alabama to provide for and furnish to Deputy or County Solicitors for said County suitable office space in the Courthouse of said County, and office supplies, stationery and telephone for said office and to provide for the renting of such offices in the town of the County Site of Lawrence County, Alabama, if in their judgment proper office space is not available in the Courthouse, and to pay for said rent, office supplies, stationery and telephone by warrants drawn by the Judge of the Probate Court as Chairman of the Board of Revenue or Court of County Revenues, or other like governing body for said County, and payable out of the general funds of said County.

By Mr. Craft (with notice and proof):

S. 226. To require the Board of Revenue and Road Commissioners of Mobile County, Alabama, to provide towards the support, maintenance and operation of the Mobile Public Library the sum of one thousand two hundred fifty dollars on the first day of January, the first day of April, the first day of July, and the first day of October in each calendar year after the year 1932, so long as the Mobile Library Board shall maintain a free circulating Library in Mobile County for the use of the citizens thereof.

By Mr. Craft:

S. 230. To repeal an act of the Legislature of Alabama approved September 9th, 1927, entitled "An Act creating and establishing Juvenile Courts in all counties in the State of Alabama, now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and

Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws.

By Mr. Craft:

S. 229. To repeal an act of the Legislature of Alabama approved April 21st, 1931, entitled "An Act to amend the title and section one of an act entitled 'An Act Creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last Federal Census of not less than 95,000 and not more than 175,000; defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for

appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent, and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association, or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence, or demeanor of said juveniles, and provide for the repeal of certain laws. Approved September 9, 1927."

By Mr. Craft:

S. 224. Abolishing Juvenile Courts in counties which have now, or have hereafter, a population of not less than One Hundred and Ten Thousand, nor more than Three Hundred and Fifty Thousand, according to the last, or any succeeding Federal Census.

By Mr. Craft:

S. 225. To create a division in circuit courts in counties of the State which now, or in future, have a population of not less than *One Hundred and Ten Thousand* and not more than *Three Hundred and Fifty Thousand*, according to the last Federal Census and any succeeding Federal Census.

By Mr. Hooton:

S. 222. To amend Section 1 of an Act entitled "to transfer the jurisdiction of the juvenile courts in all counties of thirty-five thousand population or less according to the last or any subsequent Federal Census to county inferior courts that are now or have been or may hereafter be established in any such counties," approved July 22, 1931, by providing that such Act shall not apply to counties which now have or may hereafter have a population of less than twenty-five thousand inhabitants according to the last or any subsequent Federal Census, and to provide for the transfer of the juvenile court jurisdiction in such counties to the probate courts thereof. By Mr. Kelly of Conecuh (with notice and proof):

H. 533. To require the County Board of Education of Conecuh County, Alabama, to pay out of the School Funds of said County

all expenses of County Superintendent's Office and all expenses of taking school census and to relieve the Board of Revenue from paying for same.

By Mr. Kettler (with notice and proof) :

H. 460. To authorize and empower the Court of County Commissioners of Crenshaw County, Alabama to levy a privilege license or tax of one cent on all gasoline, woco pep, or any substitute for gasoline, or any other motor fuels used by and in self propelled motor vehicles and sold in said county, or stored in said county for sale, for the privilege of selling the same, and to authorize the Court of County Commissioners of Crenshaw County, Alabama to levy a privilege tax or license of one cent per quart on all lubricating oils sold in said county or stored in said county for sale for the privilege of selling the same, and to provide rules, regulations and machinery for the collection thereof, and to provide penalties for the violation of such rules and regulations, and to provide the punishment for violation of such rules and regulations. Said proceeds from said license or tax on said gasoline and said lubricating oils to be used exclusively for the benefit of the public schools of said county.

By Mr. Ogden (with notice and proof) :

H. 315. To fix and regulate the fees of witnesses in criminal cases in the county court and circuit court of Lamar County, Alabama, and before the grand jury of said county, and to provide for the payment thereof and to provide for the collection of witness fees from defendant convicted and for the disposition of the same.

By Mr. Mize (by request) (with notice and proof) :

H. 482. To designate the Probate Judge of Tuscaloosa County, Alabama, as ex-officio custodian of the County funds of Tuscaloosa County, Alabama; to provide for his giving bond for the performance of his duties as such and to prescribe his duties as such; to provide for the payment out of the County's funds of the premiums on such bond; to provide for the receipt and disbursement by him of the County funds; to provide for the payment by him of all grand and petit juror certificates and to prescribe his other duties as such ex-officio custodian of the County funds; to provide necessary books to be used in connection with his duties as such; to provide for the employment of an expert accountant annually to examine his books and vouchers, as such ex-officio custodian of the County funds; to provide for recording his annual account and the posting of the same at the Court House door; to fix his compensation and prescribe the forms of accounts to be used; to provide for the deposit by him of the County's funds which come into his hands by virtue of his office with such incorporated State or National Bank, doing business in Tuscaloosa County, Alabama, as offers, by sealed bids to be opened on the first Monday of December of each year, the highest rate of interest to the County on daily balances, upon such Bank giving good and sufficient security in such amount and

in such form as may be approved by the Judge of Probate, as such ex-officio custodian of the County's funds, to protect the County and, or, the custodian of its funds, in the proper handling and safe keeping, by said Bank, of the County's funds which may be deposited with said Bank; to provide for the application, use and disposition of any and all moneys to be derived from the interest on the daily balances of the funds of the County deposited in such Bank; and to provide when this Act shall take effect; and to repeal all laws in conflict therewith.

By Mr. Sanderson:

H. 237. To regulate the excusing of jurors in the Circuit Courts of every County in this State, which now have, or may hereafter have, a population of as much as seventy-five thousand people and not more than one hundred thousand people, according to the last decennial census, or any such census which may hereafter be taken.

By Mr. Jordan (with amendment):

S. 227. To permit certain amusements, recreations and entertainments to be furnished and engaged in on Sunday in cities of this State whose population is not less than 30,000 nor more than 40,000 according to the last or any subsequent Federal Census or in cities which have since the 1930 Federal Census been merged or consolidated and the combined population of such cities after such merger is not less than 30,000 nor more than 40,000 and known as "Class D" cities.

By Mr. Glover of Henry and Mr. Ward (with amendment) (with notice and proof):

H. 536. To create the office of Road Supervisor for Henry County, Alabama; to prescribe the qualifications, powers, authorities and duties of said Supervisor, to provide for his election and or appointment and the election and or appointment of his successor; to fix his term of office and salary and to require him to give surety bond.

By Mr. Ward and Mr. Glover of Henry (with amendment) (with notice and proof):

H. 537. To provide for the division of Henry County, Alabama, into four Commissioners Districts; to define the boundary lines of such Districts by showing the beats composing each of such Districts; to provide for the election of one Commissioner from each of said Districts, to fix their terms of office; to prescribe their qualifications, powers and duties; to fix their salaries, terms of office and filling of vacancies; to fix the date of their election; to require said Commissioners to give bond; and to further prescribe the powers, and duties of said Commissioners Court.

ADVERSE REPORT

Mr. Scruggs, Chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the fol-

lowing bill and ordered same returned to the Senate with an adverse report, and it was placed on the adverse calendar, to-wit:

By Mr. Green of Jefferson:

H. 313. To grant the right and privilege to any regularly and duly licensed broadcasting station or company operating within the State of Alabama to broadcast by radio all athletic contests or games staged by or sponsored by or participated in, within the State of Alabama, by any educational institution located within the State of Alabama and which derives or receives any financial aid, support or contribution from the State of Alabama or any political sub-division or agency thereof; and to make it unlawful for any executive officer, board of trustees, or any person acting on behalf of any such educational institution to refuse or prohibit such right or privilege to any such broadcasting company or station.

ORDER TO PRINT

On motion of Mr. McDaniel, 500 copies of each of the bills:

S. 235. To make appropriations for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the public debt, and for the public schools.

S. 236. To amend an Act entitled "An Act in relation to the educational system of Alabama; to make appropriations and provide funds for the support, maintenance and development of public education in Alabama, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, The Alabama School of Trades and Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama; and to prescribe conditions of apportionment and expenditure of such funds or appropriations," Approved August 25th, 1927.

S. 237. To amend an Act entitled "An Act to provide for the maintenance of the Alabama Home for Mental Inferiors", approved February 3, 1923.

S. 238. To amend Section 1463 of the Code of Alabama of 1923. Were ordered printed for the use of the Senate.

RESOLUTIONS

Mr. Craft offered the following Senate resolution:

S. R. 74. Be it resolved by the Senate of Alabama that the written opinion of the Justices of the Supreme Court of Alabama, or a majority thereof, be asked upon the following important constitutional question:

1. Does Senate Bill 241 of the present Special Session of the Legislature violate Sections 106 or 110 of the Constitution?

2. Does Senate Bill 241 of the present Special Session of the Legislature of Alabama violate Sections 106 or 110 of the Constitution, in that it designates Mobile County and was not advertised as required

by law; that the population classification is not reasonable; that said bill shows on its face that the population classification is not a bona fide classification but is so restricted as to designate Mobile County; that there is a double classification in that said County must be located in a county of a certain population which county must also have a municipality therein as shown by the fact that Section 2 of said Bill requires the appointment of part of the commission by the municipality and Section 8 requires the approval of the municipality of the appointment of certain officials of the Court and Section 21 requires the payment of half of the cost of the Court by the municipality; that there is a double classification in that Sections 4, 11 and 13 require that said Court be located in a county of certain population and further requires that said county have a Detention Home and the Court judicially knows that Mobile County is the only county in the State having a Detention Home which Home was created by a Local Act approved March 8th, 1915.

3. Does said bill violate Section 45 of the Constitution in that it contains two subjects, that is, one subject creating a Court and another subject in Section 19 making certain actions a misdemeanor and fixing the punishment thereof.

4. Does said bill violate Section 45 of the Constitution in that the provisions of Section 19 making certain acts misdemeanors and fixing the punishment thereof and providing for their trial is not clearly expressed in the title of said bill.

5. Does said bill violate Section 96 of the Constitution in that Section 20 thereof regulates costs and fees not applicable to the whole state.

6. Does said bill violate Sections 106 or 110 of the Constitution in that Section 22 thereof shows on its face that it is an attempt to abolish a prior Juvenile Court in one County and establish this court in lieu thereof.

7. Does said bill violate Section 107 of the Constitution in that Section 24 thereof attempts to repeal a Local Law by a General Law.

Which was read and referred to the Standing Committee on Rules. Mr. Riddle offered the following Joint Resolution:

S. J. R. 75. Be it Resolved by the Senate of Alabama, the House concurring, as follows:

1. Whereas the People of Alabama feel that a recent ruling of the Southern intercollegiate conference prohibiting the broadcasting of football games, is unfair, unwise and in spirit a violation of the American Principle of free speech.

2. Whereas the State of Alabama does not wish to embarrass the the institutions maintained by it by legislating against such rule until the officials of the conference have been given an opportunity to correct this injustice.

Therefore: Be it Resolved by the Legislature of Alabama, that the Southern Conference officials are requested to reconsider their action

preventing the broadcast of football games and the officials of colleges maintained by the State of Alabama, are petitioned to use their influence to accomplish this result, the welfare of the game demanding it.

And on motion of Mr. Riddle the rules were suspended and the resolution adopted.

Mr. Hildreth offered the following joint resolution.

S. J. R. 76. Be it Resolved by the Senate, the House concurring, that when the two Houses adjourn today, they adjourn to meet again on Tuesday, October 18th, 1932, at 11 o'clock A.M.

And on motion of Mr. Hildreth the rules were suspended and the resolution adopted.

LEAVE OF ABSENCE

On motion of Mr. McDowell, leave of absence was granted to Mr. Garrett for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. McClendon (by request) (with notice and proof):

H. 416. To provide for the election of three school trustees for each school in St. Clair County, Alabama, and to prescribe their authority and duties.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of the intention to introduce, at the present special session of the Legislature of Alabama, for enactment into law, a Bill, in substance, as follows:

A BILL TO BE ENTITLED AN ACT

To provide for the election of three school trustees for each school in St. Clair County, Alabama, and to prescribe their authority and duties.

Be it Enacted by the Legislature of Alabama:

1. That on the first Saturday in May 1934, and every two years thereafter, three school trustees shall be elected by the patrons of said school. The county superintendent of education shall appoint three managers to hold the election at each school who shall conduct the election in accordance with regulations prepared by the county superintendent of education, and approved by the county board of Education. The results of said election shall be reported to the County Superintendent of Education on certificate signed by the managers of said election, provided, however, that this act shall not apply to cities or towns in said county having city or town boards of education.

2. That the Trustees elected under the provisions of this Act, except as otherwise provided by law, shall have charge of the school buildings and grounds and shall advise with and co-operate with the County Board of

Education in all matters relating to the general welfare of the school. The Trustees so elected shall have the right to recommend to the County Board of Education the teachers for said school, and shall also have the right, by majority vote, to refuse to accept the assignment of any teachers, within fifteen days after the date of the superintendent's notice of assignment, upon written notification to the County Superintendent of Education setting out the reason for such refusal. The trustees so elected under this Act shall take office on the date of their election.

3. That whenever a vacancy occurs on the Board of School Trustees, elected under the provisions of this Act, the same may be filled by the remaining trustees, or on their failure to act within ten days after the resignation or removal of the other members, or from the date of the vacancy, then the vacancy shall be filled by the County Board of Education. The County Board of Education may remove any school trustee elected under the provisions of this Act for misconduct or wilful neglect of duties.

4. That all laws, or parts of law, in conflict with the provisions of this Act, insofar as they relate to St. Clair County, Alabama, be and the same are hereby repealed.

5. The Trustees shall serve without pay, and the managers holding the elections provided for in this Act shall also serve without pay.

6. This Act shall become effective on its approval.

State of Alabama, }
St. Clair County. }

Before me, a Notary Public, in and for said State and County personally appeared F. W. White, the publisher of The Pell City News, a newspaper published at Pell City, Ala., in said county, and who being duly sworn deposes and says that the foregoing notice hereto attached has been regularly published once a week for four consecutive weeks in said paper. Dates Aug. 18-25; Sept. 1-8, 1932.

F. W. WHITE,
Publisher.

Sworn to and subscribed before me this the 13 day of Sept., 1932.

W. T. STARNES,
Notary Public.

(Seal)

Also:

By Mr. Baines (notice and proof):

H. 531. To relieve all persons of any legal obligations to work public roads or streets in Blount County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

To Whom It May Concern:

There will be introduced in the present session of the Legislature of Alabama a bill in substance, as follows and its passage requested.

To relieve all persons of any legal obligation to work on the public roads or streets in Blount County, Alabama or to pay any money in lieu of such legal obligation to work on the public roads or streets in Blount County Alabama.

A. L. BAINS.

September 4, 1932.

The State of Alabama, }
Blount County. }

Personally appeared before the undersigned authority, F. G. Stephens, who, being duly sworn, deposes and says that he is the publisher of the

Southern Democrat, a newspaper published in Oneonta, Ala., and that the attached notice of Proposed Legislation was published for 4 consecutive weeks in said newspaper, commencing on the 8th day of Sept., 1932, and ending on the 29th day of Sept., 1932.

F. G. STEPHENS,
Publisher.

Sworn to and subscribed before me this 29th day of Sept., 1932.
(Seal)

J. P. NATION.

Also:

By Mr. Holland (with notice and proof):

H. 549. To validate the action of W. R. Jackson, Probate Judge of Lawrence County, Alabama, acting as Chairman of the Court of County Revenues or other like governing body for said County, in issuing warrants on the County Treasurer for the purpose of paying office rent, stationery and office fixtures for the Deputy and County Solicitors for said County since January 15, 1923.

With notice and proof thereto attached and herewith exhibited as follows:

State of Alabama }
Lawrence County }

Notice is hereby given that the undersigned Jerry Holland, Representative from Lawrence County, Alabama, will, during the present session of the Legislature of Alabama introduce and apply for the passage of a local act, the substance of which will be as follows:

AN ACT

To validate the action of a Probate Judge of Lawrence County, Alabama, acting as Chairman of the Court of County Revenues or other like governing body for said County, in issuing warrants on the County Treasurer for the purpose of paying office rent, stationery and office fixtures for the Deputy and County Solicitors for said County from January 15th, 1923, to the date of the act.

Dated this the 23rd. day of August, 1932.

JERRY HOLLAND,
Representative Lawrence County, Alabama.

Moulton, Ala., Sept. 29, 1932.

The State of Alabama }
Lawrence County }

Before me, Rosa Lee Langley, A Notary Public in and for said State and County, on this day personally appeared J. D. L. Byars, who being sworn in due form of law says, that he is Editor of The Advertiser, a weekly newspaper published in Moulton, Lawrence County, Alabama; and as such Editor he published in said newspaper the attached notice for 4 consecutive weeks beginning Aug. 25, 1932, and ending Sept. 15, 1932, as required by law.

J. D. L. BYARS,
Editor.

Sworn to and subscribed before me this the 29th day of Sept. 1932.

ROSA LEE LANGLEY,
Notary Public.

(Seal)

Also:

By Mr. Sossaman:

H. 553. To amend an Act entitled "To provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," by re-enacting and amending Section 31 of said act to provide for the abandonment of Commission form of government and the resumption of Aldermanic form of government; to provide for an election of those officers prescribed by the existing general laws of the state relating to municipalities not of the commission government character, the time of holding such election, and the terms of the officers so elected, and to provide for the repeal of all laws in conflict therewith.

And sends same herewith to the Senate.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The House bills in the foregoing House Message were severally read once and referred to appropriate Standing Committees as follows:

House Bills 416, 531, 549 and 553, to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

I am directed by the House to hand you herewith telegram from Hon. Franklin D. Roosevelt, in answer to House Joint Resolution No. 128:

QB 18 138 NL—Albany N Y 13

Hon. J. H. Stewart, Clerk,

Alabama House of Representatives, Montgomery, Alabama.

Please extend to Representative Green and the members of the Alabama Legislature my deep appreciation for their cordial invitation to me to visit Birmingham as expressed in their joint resolution. It is with genuine re-

gret that I am compelled to decline this invitation, owing to the fact that the time is now so limited before election and speaking engagements already made preclude my acceptance. Numerous clubs, organizations and individuals have wired me, and it is heartwarming to know I have so many loyal friends in your state. I know that all of you will appreciate the conditions which prevent my visiting Birmingham at this time, and that Alabama will be in the forefront in the victorious battle of ballots in November. I shall make every effort to pay Birmingham a visit later this Fall.

FRANKLIN D. ROOSEVELT.

J. H. Stewart,
Clerk.

HOUSE MESSAGE

The foregoing telegram was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House bills and House Joint Resolution, your signature thereto is requested:

H. 72. In reference to and to further provide for the general revenue of the State of Alabama.

Also:

H. J. R. 128. To extend to Honorable Franklin D. Roosevelt, an invitation to visit our State before he is called by the people to serve them in Washington:

Also:

H. 164. To further regulate Building and Loan Associations in the State of Alabama.

Also:

H. 296. To establish a County Commission for Russell County, to provide for the appointment and election of the members thereof and prescribe their duties and powers, to provide for a Chairman of said Commission and fix his duties and powers; and fix their compensation; to divide the County of Russell into three (3) County Commission districts, and abolish the Board of Roads and Revenue, and to repeal all conflicting laws, general, local and special.

Also:

H. 389. To provide that there be established and maintained by Walker County, Alabama, a witness fund out of which the costs and fees due parties appearing as State witnesses in the county court, circuit court and before the grand jury of Walker County in criminal cases shall be paid; to provide that one-half of all monies collected in criminal cases from fine and forfeitures in Walker County wherein the State of Alabama is plaintiff, be paid into said fund; to provide that all sums of money collected as witness fees for the per diem and mileage to and from court due witnesses appearing for the State in said County be paid into said

witness fund; to provide that on the first Monday in January of each year that there be paid from the general fund of Walker County into said witness fund, a sum not to exceed \$5,000.00; to provide for what purposes said witness fund is to be used; to provide that the costs and fees of all State witnesses who are entitled to their per diem and mileage for their attendance in criminal cases in the County Court, Circuit Court, and attendance before the Grand Juries of Walker County, Alabama, be paid out of said witness fund; to provide how and by whom witness claims are to be authenticated, and how and by whom they are to be paid, and; to provide for the disposition of any surplus in excess of \$1,000.00 that may exist at the end of the calendar year.

Also:

H. 418. To repeal an Act entitled an Act "To provide for the payment of an expense account for the Solicitor of the Fourteenth Judicial Circuit of Alabama; to provide that such expense shall be paid out of the County treasuries of the several counties composing such circuit, the amount to be paid by each of such counties to be based upon the assessed taxed valuation of the counties in such circuit" said Act having been approved on the 12th day of September, 1923.

J. H. Stewart,
Clerk.

SIGNING OF BILLS AND RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate signed the foregoing bills and resolution; the titles of which are set out in the foregoing Message from the House.

Oct. 14th, 1932.

To The President and Senate of Alabama:

As a member of this Senate, I wish to express my appreciation of the vision and statesmanship of our fellow Senator, Charles B. Teasley.

I served as member of this Senate and a member of the Finance & Taxation Committee with Senator Teasley during the Sessions of the Legislatures of 1923 and 1927, and he was then advocating the modern and economic sales tax method of raising revenue. I was not converted at that time to his pleadings to raise new revenues for the State.

It has been a source of great information to watch a four months fight by Governor Connor, of Mississippi, to enact a sales tax for the State of Mississippi, and to further watch the operation of this tax in that State and am convinced that this form of taxation is the most just and equitable form of taxation that has been devised in recent years. The fight over this tax in the State of Mississippi was entered into

by the business men and press of that state, who were bitterly opposed to same, and I am now convinced that those interests are thoroughly satisfied with same, and that this tax will in a short time relieve that state of its distressed condition.

I desire to take this method of commending our Chairman of the Finance and Taxation Committee of his untiring efforts in writing and fighting to impose a sales tax which would produce a fair and just tax, which I believe, had it been enacted, would have relieved our State of its embarrassment.

I have been in public life since 1875. After the Civil War, when the government of the City of Mobile was in distress, I was Chairman of the Finance Committee of the City for a number of years and believe that the sales tax offered to the Senate of Alabama by our fellow Senator Charles B. Teasley is the fairest and most just method of taxation that has ever come under my observation.

I would appreciate the Senate of Alabama allowing me to have this method of commending Senator Teasley for his work in this connection spread upon the Journal of the Senate.

Very truly yours,

John Craft.

COMMENDATION

On motion of Mr. Craft, the foregoing commendation of Senator Teasley was read and ordered spread upon the Journal.

NOTICE

Mr. Hooton gave to the Senate the following notice in writing:

"Notice is hereby given that House Bill No. 313 by Mr. Green will be moved to be taken from the Adverse Calendar on the next, or the 24th Legislative Day."

Hooton.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said committee, in session, has compared the following enrolled bill with the engrossed and original bill, respectively, and finds same correctly enrolled, to-wit:

S. 183. To amend an Act entitled, "An Act to create and establish a Board of County Commissioners in and for Madison County, Alabama, in the place and stead of the Board of Revenue of Madison County now existing in said county, and abolishing said Board of Revenue in Madison County; to divide said county of Madison into five districts, defining the boundaries thereof; defining the jurisdiction of said Board of County Commissioners, fixing their compensation; conferring upon said Board of County Commissioners all the jurisdiction, powers and authority granted by law to County Commissioners,

Boards of Revenue or other governing bodies of like name or authority in this State; and to authorize said Board of County Commissioners for the purpose of maintaining the public roads, bridges and ferries of Madison County to impose a tax on gasoline, Woco-Pep or other substitute therefor sold in the county, not to exceed three cents per gallon, and to provide the machinery for its collection; authorizing the appointment of said Board of County Commissioners of a clerk, and a supervisor of public roads, providing for the holding of monthly meetings of said Board of Commissioners and providing for the repeal of all laws in conflict with this Act; providing for the appointment, nomination and election of said Board of Commissioners approved September 20th, 1923," as amended by local Act of the Legislature of Alabama, approved February 15th, 1927, and by Local Act of the Legislature of Alabama approved July 20th, 1931; by amending Section 12½ to authorize and empower the Board of County Commissioners to make donation to Local Chapter of the American Red Cross in said County, and for that purpose to appropriate to said donation a portion of County gasoline tax, and to ratify appropriations heretofore made to Local Red Cross Chapter.

T. A. Goodwin,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate signed the foregoing bill; the title of which is set out in the foregoing Report of the Committee on Enrolled Bills.

BILLS ON THIRD READING

The bill:

S. 137. To prohibit the use of Trailers attached to Motor Vehicles on the Highways of the State of Alabama, with exceptions thereto, and to provide for the punishment of the use of the same.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 15; nays, 4.

Yeas:

Messrs.:

Bartlett

Bonner

Caffey

Cooper

Darden

Goodwin

Hildreth

Hooton

Hubbard

Jordan

Lapsley

McDowell

Scruggs

Warren

Wikle

—15

Nays:—Messrs.: Craft, Deloney, Farmer and Millsap.

— 4

The bill:

H. 481. In reference to and to further provide for the general revenue of the State of Alabama.

Was taken up.

Mr. Powell offered the following substitute for said bill, to-wit:

Substitute for House Bill 481:

A BILL

To be entitled An Act in reference to and to further provide for the general revenue of the State of Alabama:

Be it enacted by the Legislature of Alabama:

Section 1.—(a) That in addition to all other taxes now imposed by law, there is hereby levied and imposed upon every resident of Alabama a tax on the entire net income as defined in this Act, which tax shall be assessed, collected and paid annually at the rates specified herein, upon the net taxable income for each calendar year as hereinafter provided.

(b) A like tax is hereby levied and imposed, and shall be assessed, collected and paid annually, at the rates specified in this Act, upon and with respect to the entire net income as herein defined, except as hereinafter provided, from all property owned, and from every business, trade, profession or occupation carried on in this State by natural persons not residents of this State.

(c) The first tax to be assessed, collected and paid, under this Act shall be in the year 1933, upon and with respect to the taxable income for the taxable year 1932, except that if the taxable year 1932 shall be a fiscal year ending during the calendar year 1932, only that part of the net income earned since January 1, 1932, shall be subject to tax, and in such cases the net income earned since January 1, 1932, shall be computed in like manner as when the accounting period is changed as provided in Section 21 of this Act.

Section 2.—Definitions. When hereinafter used in this Act the term "person" includes private corporations, associations and individuals of this State. The term "corporation" includes associations, joint stock companies. The term "domestic" when applied to a corporation or partnership means created or organized under the laws of the State of Alabama. The term "foreign" when applied to a corporation or partnership means created or organized outside of the State of Alabama. The term "Revenue Act of 1928" means the United States Revenue Act of 1928, approved May 29, 1928. The term "cash" means any legal tender, negotiable paper or solvent credit. The term "taxable year" means the calendar year or the fiscal year ending during such calendar year upon the basis of which net income is computed. The term "fiscal year" means an accounting period of twelve months ending on the last day of any month other than December. The term "taxpayer" means any person or corporation whose income is subject to the payment of income tax under the provisions of this Act. The first taxable year, to be called the taxable year 1932, shall be the calendar year 1932

or any fiscal year ending during the calendar year 1932. The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator or any person acting in any fiduciary capacity for any person, trust or estate. The term "withholding agent" means any person required to deduct or withhold any tax under the provisions of this Act. The term "paid" for the purpose of the deductions and credits hereinafter provided for with respect to income tax means paid or accrued or paid or incurred, and the terms "paid or incurred" and "paid or accrued" shall be construed according to the method of accounting on the basis on which the net income is computed under this Act.

Section 3.—Tax on Individuals. The tax levied and imposed herein upon every resident of the State, which tax shall be levied, collected and paid annually, with respect to the net income of the taxpayer as herein defined, and upon income earned within the State of every non-resident having a business or agency in this State, computed at the following rates, after deducting the exemptions provided in this Act:

(a) On the excess over the amount exempted herein, up to and including one thousand (\$1,000.00) dollars, one per cent;

(b) On the excess over the amount exempted herein, above one thousand (\$1,000.00) dollars, up to and including three thousand (\$3,000.00) dollars, two per cent;

(c) On the excess over the amount exempted herein, above three thousand (\$3,000.00) dollars, up to and including five thousand (\$5,000.00) dollars, three per cent;

(d) On the excess over the amount exempted herein, above five thousand (\$5,000.00) dollars, up to and including eight thousand (\$8,000.00) dollars, four per cent;

(e) On the excess over the amount exempted herein, above eight thousand (\$8,000.00) dollars, up to and including ten thousand (\$10,000.00) dollars, five per cent;

(f) On the excess over the amount exempted herein and above ten thousand (\$10,000.00) dollars, six per cent.

Section 4.—Adjusted Basis For Determining Gain or Loss. (a) Basis (Unadjusted) of Property.—The basis of property shall be the cost of such property; except that—

(1) Inventory value.—If the property should have been included in the last inventory, the basis shall be the last inventory value thereof.

(2) Gift or transfer in trust.—If the property was acquired by gift or transfer in trust, the basis shall be the fair market value of such property at the time of such acquisition, or if acquired prior to December 31, 1931, the basis shall be the fair market value as of that date.

(3) Property transmitted at death.—If personal property was acquired by specific bequest, or if real property was acquired by general or specific devise or by intestacy, the basis shall be the fair market value of the property at the time of the death of the decedent. If the property was acquired by the decedent's estate from the decedent, the basis in the hands of the estate shall be the fair market value of the

property at the time of the death of the decedent. In all other cases if the property was acquired either by will or by intestacy, the basis shall be the fair market value of the property at the time of the distribution to the taxpayer.

(4) If the property was acquired upon an exchange described in Section 5½ (b) to (e), inclusive, the basis shall be the same as in the case of the property exchanged, decreased in the amount of any money received by the taxpayer and increased in the amount of gain, or decreased in the amount of loss to the taxpayer that was recognized upon such exchange under the law applicable to the year in which the exchange was made. If the property so acquired consisted in part of the type of property permitted by section 5½ to be received without the recognition of gain or loss, and in part of other property, the basis provided in this paragraph shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such other property an amount equivalent to its fair market value at the date of the exchange. This paragraph shall not apply to property acquired by a corporation by the issuance of its stock or securities as the consideration in whole or in part for the transfer of the property to it.

(5) Transfers to corporation where control of property remains in same person.—If the property was acquired after December 31, 1931, by a corporation in connection with a reorganization, and immediately after the transfer an interest or control in such property of 50 per centum or more remained in the same persons or any of them, then the basis shall be the same as it would be in the hands of the transferor, increased by the amount of gain or decreased by the amount of loss recognized to the transferor upon such transfer under the law applicable to the year in which the transfer was made. This paragraph shall not apply if the property acquired consists of stock or securities in a corporation a party to the reorganization, unless acquired by the issuance of stock or securities of the transferee as the consideration in whole or in part for the transfer.

(6) Property acquired by issuance of stock or as paid-in surplus.—If the property was acquired after December 31, 1931, by a corporation—

(A) By the issuance of its stock or securities in connection with a transaction described in section 5½ (b) (5) (including, also, cases where part of the consideration for the transfer of such property to the corporation was property or money, in addition to such stock or securities), or

(B) As paid-in surplus or as a contribution to capital, then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain or decreased in the amount of loss recognized to the transferor upon such transfer under the law applicable to the year in which the transfer was made.

(7) Tax-free distributions.—If the property consists of stock or securities distributed after December 31, 1931, to a taxpayer in connection with a transaction described in section 5½ (g), the basis in the case of the stock in respect of which the distribution was made shall be apportioned, under rules and regulations prescribed by the State Tax Commissioner between such stock and the stock or securities distributed.

(8) Involuntary conversion.—If the property was acquired as the result of a compulsory or involuntary conversion described in section 5½ (f), the basis shall be the same as in the case of the property so converted, decreased in the amount of any money received by the taxpayer which was not expended in accordance with the provisions of law (applicable to the year in which such conversion was made), determining the taxable status of the gain or loss upon such conversion, and increased in the amount of gain or decreased in the amount of loss to the taxpayer recognized upon such conversion under the law applicable to the year in which such conversion was made.

(9) Property acquired before November 8, 1932.—In the case of property acquired before November 8, 1932, if the basis as otherwise determined under this subsection, adjusted as provided in subsection (b), is less than the fair market value of the property as of November 8, 1932, then the basis shall be such fair market value. In determining the fair market value of stock in a corporation as of November 8, 1932, due regard shall be given to the fair market value of the assets of the corporation as of that date.

(10) Whenever in the calculation of income taxable hereunder for the period from January 1, 1932, to November 8, 1932, it is necessary to determine the amount of gain or loss or of depreciation or depletion in the case of property acquired before January 1, 1932, the basis of property shall be fixed in the same manner as is provided in subsection (9) of this subsection (a), in the case of property acquired before November 8, 1932, except that values as of January 1, 1932, shall be used in lieu of values as of November 8, 1932.

(b) Adjusted Basis.—The adjusted basis for determining the gain or loss from the sale or other disposition of property, whenever acquired, shall be the basis determined under subsection (a) adjusted as hereinafter provided.

(1) General Rules.—Proper adjustment in respect of the property shall in all cases be made—

(A) For expenditures, receipts, losses, or other items, properly chargeable to capital account, including taxes and other carrying charges on unimproved and unproductive real property, but no such adjustment shall be made for taxes or other carrying charges for which deductions have been taken by the taxpayer in determining net income for the taxable year or prior taxable year;

(B) In respect of any period since November 8, 1932, for exhaustion, wear and tear, obsolescence, amortization, and depletion, to the

extent allowed (but not less than the amount allowable) under this Act or prior income tax laws.

(C) In respect of any period prior to November 8, 1932, for exhaustion, wear and tear, obsolescence, amortization, and depletion, to the extent sustained;

(D) In the case of stock (to the extent not provided for in the foregoing subparagraphs) for the amount of distributions previously made which, under the law applicable to the year in which the distribution was made, either were tax-free or were applicable in reduction of basis;

(2) Substituted Basis.—The term "substituted basis" as used in this subsection means a basis determining under any provision of subsection (a) of this section.

(A) By reference to the basis in the hands of a transferor, donor, or grantor, or

(B) By reference to other property held at any time by the person for whom the basis is to be determined. Whenever it appears that the basis of property in the hands of the taxpayer is a substituted basis, then the adjustments provided in paragraph (1) of this subsection shall be made after first making in respect of such substituted basis proper adjustments of a similar nature in respect of the period during which the property was held by the transferor, donor, or grantor, or during which the other property was held by the person for whom the basis is to be determined. A similar rule shall be applied in the case of a series of substituted basis.

Sec. 5. Determination of amount of Gain or Loss. (a) Computation of Gain or Loss. Except as hereinafter provided in this section, the gain from the sale or other disposition of property shall be the excess of the amount realized therefrom over the adjusted basis provided in section 4 (b), and the loss shall be the excess of such basis over the amount realized.

(b) Amount Realized.—The amount realized from the sale or other disposition of property shall be the sum of any money received plus the fair market value of the property (other than money) received.

(c) Recognition of Gain or Loss.—In the case of a sale or exchange, the extent to which the gain or loss determined under this section shall be recognized for the purposes of this title, shall be determined under the provisions of section 5½.

(d) Installment Sales.—Nothing in this section shall be construed to prevent (in the case of property sold under contract providing for payment in installments) the taxation of that portion of any installment payment representing gain or profit in the year in which such payment is received.

Sec. 5½. Recognition of Gain or Loss. (a) General Rule.—Under the sale or exchange of property the entire amount of the gain or loss, determined under section 5 shall be recognized, except as hereinafter provided in this section.

(b) Exchange Solely in kind.—

(1) Property Held For Productive Use or Investment.—No gain or loss shall be recognized if property held for productive use in trade or business or for investment (not including stock in trade or other property held primarily for sale, nor stocks, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidences of indebtedness or interest) is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment.

(2) Stock For Stock of Same Corporation.—No gain or loss shall be recognized if common stock in a corporation is exchanged solely for common stock in the same corporation, or if preferred stock in a corporation is exchanged solely for preferred stock in the same corporation.

(3) Stock For Stock On Reorganization.—No gain or loss shall be recognized if stock or securities in a corporation a party to a reorganization are, in pursuance of the plan of reorganization, exchanged solely for stock or securities in such corporation or in another corporation a party to the reorganization.

(4) Same—Gain of Corporation.—No gain or loss shall be recognized if a corporation a party to a reorganization exchanges property, in pursuance of the plan of reorganization, solely for stock or securities in another corporation a party to the reorganization.

(5) Transfer To Corporation Controlled By Transferor.—No gain or loss shall be recognized if property is transferred to a corporation by one or more persons solely in exchange for stock or securities in such corporation, and immediately after the exchange such person or persons are in control of the corporation, but in the case of an exchange by two or more persons this paragraph shall apply only if the amount of the stock and securities received by each is substantially in proportion to his interest in the property prior to the exchange.

(c) Gain From Exchanges Not Solely In Kind.—

(1) If an exchange would be within the provisions of subsection (b) (1), (2), (3), or (5) of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such paragraph to be received without the recognition of gain, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

(2) If a distribution made in pursuance of a plan of reorganization is within the provisions of paragraph (1) of this subsection but has the effect of the distribution of a taxable dividend, then there shall be taxed as a dividend to each distributee such an amount of the gain recognized under paragraph (1) as is not in excess of his ratable share of the undistributed earnings and profits of the corporation accumulated after November 8, 1932. The remainder, if any, of the gain

recognized under paragraph (1) shall be taxed as a gain from the exchange of property.

(d) Same—Gain Of Corporation.—If an exchange would be within the provisions of subsection (b) (4) of this section if it were not for the fact that the property received in exchange consists not only of stock or securities permitted by such paragraph to be received without the recognition of gain, but also of other property or money, then—

(1) If the corporation receiving such other property or money distributes it in pursuance of the plan of reorganization, no gain to the corporation shall be recognized from the exchange, but

(2) If the corporation receiving such other property or money does not distribute it in pursuance of the plan of reorganization, the gain, if any, to the corporation shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property so received, which is not so distributed.

(e) Loss From Exchanges Not Solely In Kind.—If an exchange would be within the provisions of subsection (b) to (5), inclusive, of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such paragraph to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

(f) Involuntary Conversions.—If property (as a result of its destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation, or the threat or imminence thereof) is compulsorily or involuntarily converted into property similar or related in service or use to the property so converted, or into money which is forthwith in good faith, under regulations prescribed by the State Tax Commissioner expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund, no gain or loss shall be recognized. If any part of the money is not so expended, the gain, if any, shall be recognized, but in an amount not in excess of the money which is not so expended.

(g) Distribution Of Stock On Reorganization.—If there is distributed, in pursuance of a plan of reorganization, to a shareholder in a corporation a party to the reorganization, stock or securities in such corporation or in another corporation a party to the reorganization, without the surrender by such shareholder of stock or securities in such a corporation, no gain to the distributee from the receipt of such stock or securities shall be recognized.

(h) Same—Effect On Future Distribution.—The distribution, in pursuance of a plan of reorganization, by or on behalf of a corporation a party to the reorganization, of its stock or securities or stock or securities in a corporation a party to the reorganization, if no gain to

the distributee from the receipt of such stock or securities was recognized by law, shall not be considered a distribution of earnings or profits within the meaning of section 4 (b) for the purpose of determining the taxability of subsequent distributions by the corporation.

(i) Definition Of Reorganization.—As used in this section and sections 4 and 5

(1) The term "reorganization" means (A) a merger or consolidation (including the acquisition by one corporation of at least a majority of the voting stock and at least a majority of the total number of shares of all other classes of stock of another corporation, or substantially all the properties of another corporation) or (B) a transfer by a corporation of all or a part of its assets to another corporation if **immediately after the transfer the transferee or its stockholders** or both are in control of the corporation to which the assets are transferred, or (C) a recapitalization, or (D) a mere change in identity, form, or place of organization, however, effected.

(2) The term "a party to a reorganization" includes a corporation resulting from a reorganization and includes both corporations in the case of an acquisition by one corporation of at least a majority of the voting stock and at least a majority of the total number of shares of all other classes of stock of another corporation.

(j) Definition Of Control.—As used in this section the term "control" means the ownership of at least 80 per centum of the voting stock and at least 80 per centum of the total number of shares of all other classes of stock of the corporation.

Section 6.—Sales Of Certain Classes Of Property. The rate of tax imposed upon the gains or profits realized in any taxable year from the sale, exchange or other disposition of property purchased by a taxpayer for investment or use in his trade or business (except stock in trade of the taxpayer or other property of a kind which would properly be included in his inventory if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale in the course of his trade or business) shall at the option of any taxpayer, other than a corporation, be three per cent (3%) of such gain or profit. In the case of any taxpayer other than a corporation who for any taxable year sustains a loss not compensated for by insurance or otherwise upon the sale, exchange or other disposition of any such property described in the preceding sentence, there shall be levied, collected and paid in lieu of all other taxes imposed by this Act a tax determined as follows: A partial tax shall first be computed upon the basis of the ordinary net income at the rates and in the manner as if this section had not been enacted, and the total tax shall be this amount minus three per centum of such loss, but in no case shall the tax of a taxpayer who has sustained such a loss be less than the tax computed without regard to the provisions of this section.

Section 7.—Inventory. Whenever in the opinion of the State Tax Commissioner the use of inventories is necessary in order clearly to

determine the income of any taxpayer, the inventory shall be taken by such taxpayer upon such basis as the State Tax Commissioner may prescribe, conforming as nearly as may be to the best accounting practice in the trade or business, and most clearly reflecting the income, and conforming as far as may be to the form and method prescribed by the United States Commissioner of Internal Revenue, under the Act of Congress known as the "Revenue Act of 1928."

Section 8.—Net Income Defined (Individual). In the case of an individual, the term "net income" means the gross income as defined by Section 10 of this Act, less the deductions allowed by Section 11 of this Act.

Section 9.—Computation of Net Income. (a) Net income shall be computed upon the basis of the taxpayer's annual accounting period, (fiscal year or calendar year as the case may be), in accordance with the method of accounting regularly employed in keeping the books of such taxpayer, but if no such method of accounting has been so employed, or if the method employed does not clearly reflect the income, computation shall be made upon such basis and in such manner as in the opinion of the State Tax Commissioner does clearly reflect the income. If the taxpayer's annual accounting period is other than the fiscal year as defined in this Act, or if the taxpayer has no annual accounting period or does not keep books, the net income shall be computed on the basis of the calendar year. (b) If a taxpayer change his accounting period from fiscal year to calendar year, from calendar year to fiscal year, or from one fiscal year to another, the net income shall, with the approval of the State Tax Commissioner, be computed upon the basis of the new accounting period, subject to the provisions of Section 21 of this Act.

Section 10.—Gross Income Defined (Individual). The term "gross income" as used herein: (1) includes gains, profit and income derived from salaries, wages, or compensation for personal services of whatever kind, or in whatever form paid, or from professions, vocations, trades, business, commerce or sales or dealings in property, whether real or personal, growing out of ownership or use of or interest in such property, including the salaries, incomes, fees or other compensation of State, County and Municipal officers and employees; also from interest, collected rents, dividends, securities, or transactions of any business carried on for gain or profit, and the income derived from any source whatever. The amount of all such items shall be included in the gross income for the taxable year in which received by the taxpayer, unless under the methods of accounting permitted in this Act any such amounts are to be properly accounted for as of a different period; but (2) does not include the following items which shall be exempt from income tax under this Act; (a) The proceeds of life insurance policies and contracts paid upon the death of the insured to an individual beneficiary or to the estate of the insured. (b) The amount received by the insured as return of premiums or

premiums paid by him under life insurance endowment for annuity contracts, either during the term or at the maturity of the term mentioned in the contract, or upon the surrender of the contract. (c) The value of property acquired by gift, bequest, demise or descent, (but the income from such property shall be included in the gross income). (d) Interest upon obligations of the United States or its possessions; or securities issued under the provisions of the Federal Farm Loan Act, of July 17, 1916; or bonds issued by the War Finance Corporation; (e) Any amount received through accident or health insurance, or under any workmen's compensation act as compensation for personal injuries or sickness, plus the amount of any damages received, whether by suit or agreement on account of such injuries or sickness, or through the war risk insurance act, or any law for the benefit or relief of injured or disabled members of the military or naval forces of the United States. (f) Salaries, wages and other compensation received from the United States by officers or employees thereof, including persons in the military or naval forces of the United States. (3) In the case of non-resident tax-payers and foreign corporations doing business in the State, gross incomes include only the gross income arising from sources within the State, including interest on bonds, notes or other interest-bearing obligations of residents, corporate or otherwise, and including all amounts received (although paid under a contract for the sale of goods or otherwise), representing profits in the manufacture and disposition of goods within the State of Alabama.

Section 11. Deductions (Individuals). In computing net income, there shall be allowed as deductions: (a) all ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered, and including rentals and other payments required to be made as a condition of the continued use or possession for the purpose of trade or business of property to which the taxpayer has not taken, or is not taking title or in which he has no equity. (b) All interest paid or accrued within the taxable year or indebtedness, but in the case of a non-resident or a foreign corporation, the proportion of such interest which the amount of gross income from sources within the State of Alabama bears to the amount of gross income from all sources within and without the State of Alabama. (c) Taxes paid or accrued within the taxable year imposed (a) by the authority of the United States; (b) by the authority of any of the possessions of the United States; (c) by the authority of any State or Territory, including the State of Alabama, or of any county, school district, municipality or other taxing subdivision of the State of Alabama, plus the proportion of tax imposed by other authorities above mentioned which the

amount of gross income from sources within the State of Alabama bears to the amount of gross income from all sources within and without the State of Alabama; Provided, however, that the amount of Federal income tax apportioned to Alabama may be determined by the ratio that the amount of net income on business done within Alabama bears to the amount of net income from business within and without the State of Alabama. (d) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in trade or business. (e) Losses sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in any transaction entered into for profit, though not connected with the trade or business; but in the case of a taxpayer other than a resident of the State, only as to such transactions within the State. (f) Losses sustained during the taxable year of property not connected with the trade or business (but in the case of a taxpayer other than a resident of the State, only of property within the State), if arising from fires, storms, shipwreck, or other casualty, or from theft, and not compensated for by insurance or otherwise. (g) Debts ascertained to be worthless and actually charged off within the taxable year. (h) A reasonable allowance for the exhaustion, wear and tear of property from which any income is derived including a reasonable allowance for obsolescence. (i) In the case of mines, oil and gas wells, other natural deposits and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case based upon the cost, including cost of development not otherwise deducted; such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the State Tax Commissioner. In the case of leasehold interests, the deductions allowed by this section shall be equitably proportioned between the lessor and the lessee. (j) Contributions or gifts made within the taxable year to recognized religious, charitable and scientific or educational institutions or institutions for the prevention of cruelty to children or animals which are not operated for profit and no part of the net earnings of which inures to the benefit of any private stockholder or individual, or contributions to the special fund for vocational rehabilitation authorized by Section 7 of the United States vocational rehabilitation Act, the amount of such deduction not to be, however, in excess of 15% of the taxpayer's net income as computed without the benefit of this paragraph. Such contributions or gifts shall be allowable as deductions only where made to institutions recognized as institutions for the above purposes under rules and regulations prescribed by the State Tax Commissioner. In the case of a non-resident individual or foreign corporation, this deduction shall be allowed only as to contributions or gifts made to domestic corporations or institutions within the State of Alabama or to such vocational rehabilitation fund, and as to such contributions to the voca-

tional rehabilitation fund only in the proportion of the total of such contributions which the amount of gross income from all sources within the State of Alabama bears to the amount of gross income from all sources within and without the State of Alabama. (k) In the case of a non-resident individual or foreign corporation, the deductions allowed in paragraphs a, d, f, g, h and i, shall be allowed only if and to the extent that they are connected with income arising from a source within the State of Alabama, and a proper apportionment or allocation of the deductions with respect to sources of income within and without the State of Alabama shall be determined under rules and regulations prescribed by the State Tax Commissioner. The special deduction of net losses of prior years to the extent provided in Section 11¾.

Section 11½. Basis for Depreciation and Depletion. (a) **Basis for Depreciation.**—The basis upon which exhaustion, wear and tear, depreciation and obsolescence are to be allowed shall be such reasonable allowance as may be determined by the State Tax Commissioner on the adjusted basis provided in Section 4 for the purpose of determining the gain or loss upon sale or other disposition of such property.

(b) **Basis for Depletion.** (1) **General Rule.**—The basis upon which depletion is to be allowed shall be such reasonable allowance as may be determined by the State Tax Commissioner on the adjusted basis provided in section 4 for the purpose of determining the gain or less upon the sale or other disposition of such property except as provided in paragraph (2) of this sub-section.

(2) **Discovery. Value in Case of Mines, Oil and Gas Wells.**—In the case of mines, oil, timber and gas wells discovered by the taxpayer on or after January 1, 1932, not acquired as the result of a purchase or a proven tract or lease where the market value of the property is materially disproportionate to the cost the depletion allowance shall be based upon the fair market value of the property at the time of the discovery or within thirty days thereafter.

Section 11¾. Net Losses—(a) **Definition of "Net loss."** As used in this section the term "net loss" means the excess of the deductions allowed by this title over the gross income for the taxable year 1932 and subsequent taxable years, with the following exceptions and limitations:

(1) **Non-business deductions.**—Deductions otherwise allowed by law not attributable to the operation of a trade or business regularly carried on by the taxpayer shall be allowed only to the extent of the amount of the gross income not derived from such trade or business;

(2) **Depletion.**—The deduction for depletion shall not exceed the amount which would be allowable if computed without reference to discovery value, or to percentage depletion under section 11½ (b) (2);

(3) Dividends.—The deduction provided for in Sections 13 and 26 of amounts received as dividends shall not be allowed.

(4) Interest.—There shall be included in computing gross income the amount of interest received free from tax under this title, decreased by the amount of interest paid or accrued which is not allowed as a deduction by section 26 (2);

(5) Net loss not to produce net loss.—In computing the net loss for any taxable year a net loss for a prior year shall not be allowed as a deduction.

(b) Net Loss as a Deduction.—If, for any taxable year, it appears upon the production of evidence satisfactory to the State Tax Commissioner that any taxpayer has sustained a net loss, the amount thereof shall be allowed as a deduction in computing the net income of the taxpayer for the succeeding taxable year (hereinafter in this section called "second year"); the deduction in all cases to be made under regulations prescribed by the State Tax Commissioner.

(c) Fiscal Year Returns.—If a taxpayer makes return for a period beginning in one calendar year (hereinafter in this subsection called "first calendar year") and ending in the following calendar year (hereinafter in this subsection called "second calendar year") and the law applicable to the second calendar year is different from the law applicable to the first calendar year, then his net loss for the period ending during the second calendar year shall be the sum of:

(1) The same proportion of a net loss for the entire period, determined under the law applicable to the first calendar year, which the portion of such period falling within such calendar year is of the entire period; and (2) the same proportion of a net loss for the entire period, determined under the law applicable to the second calendar year, which the portion of such period falling within such calendar year is of the entire period.

Section 12.—Items not Deductible.

In computing net income no deduction shall in any case be allowed in respect of: (a) Personal, living or family expenses; (b) Any amount paid out for new buildings, or for permanent improvements or betterments made to increase the value of any property or estate; (c) Any amount expended in restoring property or in making good the exhaustion thereof, for which an allowance is or has been made; or (d) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially interested in any trade or business carried on by the taxpayer when the taxpayer is directly or indirectly a beneficiary under such policy.

Section 13. Exemptions. The following exemptions from income tax shall be allowed to every individual resident taxpayer:

(a) The amounts received as dividends from a corporation, or any subsidiary corporation of which the parent corporation owns as

much as 50 per cent of the capital stock, which is taxable under this Act upon the net income of the parent corporation or the subsidiary;

(b) Amounts received as dividends from national banks or national banking associations or from corporations engaged in the business of banking or financial business employing moneyed capital coming into competition with the business of National banks and also net income realized by individuals and partnerships from time to time in the business of banking and of conducting a financial business employing moneyed capital coming into competition with the business of National banks only during and for the periods during which such national banks, corporations, individuals and partnerships are subject to an excise tax imposed by this State on or with respect to such income, and dividends paid by any such corporation out of income subject to such excise tax. Provided, however, the exemptions under this subsection (b) shall only apply to dividends received from corporations and/or institutions paying an income tax under the provisions of this Act.

(c) In the case of a single person, or a married person not living with husband or wife, a personal exemption of fifteen hundred (\$1,500.00) dollars or in the case of a head of a family, or a married person living with husband or wife, a personal exemption of three thousand (\$3,000.00) dollars: A husband and wife living together shall receive but one personal exemption or three thousand (\$3,000.00) dollars against their aggregate net income; and in case they make separate returns, the personal exemption of three thousand (\$3,000.00) dollars may be taken by either or divided between them.

(d) Three hundred dollars for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer, if such dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defected.

Section 14. Credit for Taxes in cases of Taxpayers other than Residents of this State.

Whenever a taxpayer other than a resident of this State has been liable to income taxes to the State or county where he resides, upon his net income for the taxable year derived from sources within this State, and subject to taxation under this Act, there shall be credited the amount of income taxes payable by him under this Act, with such proportion of taxes so payable by him to the State or county where he resides as his income subject to taxation under this Act bears to his entire income upon which the taxes so payable to such other State or county where imposed; provided, that such credit shall be allowed only if the laws of said State or county grant a substantially similar credit to residents of this State subject to income tax under such laws.

Section 15. Partnerships.

Individuals carrying on business in partnerships shall be liable for income tax only in their individual capacity. There shall be included in computing the net income of each partner his distributive share, whether distributed or not, of the net income of the partnership for the taxable year, of, if his net income for the taxable year is computed upon the basis of a period different from that upon the basis of which the net income of the partnership is computed, then his distributive share of the net income of the partnership for any accounting period of the partnership ending within the fiscal year or calendar year upon the basis of which the partner's net income is computed. Taxpayers who are members of partnerships may be required by the State Tax Commissioner to make a return stating the gross receipts and net gains or profits of the partnership for any taxable year. The net income of the partnership shall be computed in the same manner and on the same basis as provided in computing the net income of individuals, except that the deduction provided in sub-section j of section 11 shall not be allowed to the partnership, but the proper proportion thereof shall (subject to the limitations imposed by sub-sections (j) of section (11) be deductible by the individual partners and the personal exemption provided for in section 13 shall be allowed only to the individual partners.

Section 16. Estates and Trusts.

1. The tax imposed by this Act shall apply to the income of estates or of any kind of property held in trust, including: (a) income received by estates of deceased persons during the period of administration or settlement or settlement of the estate. (b) Income accumulated in trust for the benefit of unborn or unascertained persons with contingent interests.

(c) Income held for future distribution under the terms of a will or trust; and (d) Income which is to be distributed to the beneficiaries periodically, whether or not at regular intervals, and the income collected by a guardian of an infant to be held or distributed as the court may direct. 2. The fiduciary shall be responsible for making the return of income for the estate or trust for which he acts. The net income of the estate or trust shall be computed in the same manner and on the same basis as provided in this Act for individual taxpayers, except that there shall also be allowed as a deduction any part of the gross income which, pursuant to the terms of the will or deed creating the trust, is during the taxable year paid to or permanently set aside for the United States, any state, territory or any political sub-division thereof, or the District of Columbia, or any corporation or association organized and operated exclusively for religious, charitable, scientific or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stock-holder or individual; and in cases under paragraph d, under

sub-division 1 of this section, the fiduciary shall include in the return a statement of each beneficiary's distributive share of such net income, whether or not distributed before the close of the taxable year for which the return is made.

3. In cases under paragraphs, a, b and c of sub-division 1 of this section, the tax shall be imposed upon the net income of the estate or trust and shall be paid by the fiduciary, except that in determining the net income of the estate of any deceased person during the period of administration or settlement, there may be deducted the amount of any income properly paid or credited to any legatee, heir or other beneficiary. In such cases the estate or trust shall be allowed the same exemptions as are allowed to single persons under Section 13 and in such cases an estate or trust created by a person not a resident and an estate of a person not a resident shall be subject to tax only to the extent to which the individuals other than residents are liable under Section 10, sub-division 3.

4. In cases under paragraph d, sub-division 1 of this Section, and in the case of any income of an estate during the period of administration or settlement permitted by sub-division 3 to be deducted from the net income upon which tax is to be paid by the fiduciary, the tax shall not be paid by the fiduciary, but there shall be included in computing the net income of each beneficiary his distributive share whether distributed or not, of the net income of the estate or trust for the taxable year, or, if his net income for the taxable year is computed upon the basis of a period different from that upon the basis of which the net income of the estate or trust is computed, then his distributive share of the net income of the estate or trust for any accounting period of such estate or trust ending within the fiscal year upon the basis of which such beneficiary's net income is computed. In such cases the income of a beneficiary of such estate or trust not a resident shall be taxable only to the extent provided in Section 10, sub-division 3, for individuals other than residents.

Section 17. Information and Payment At Source.

1. Every withholding agent shall deduct and withhold two per centum from all salaries, wages, commissions, gratuities, emoluments, perquisites and other fixed and determinable annual or periodical compensation of whatever kind and in whatever form paid or received, earned for personal services and taxable under this article, of which he shall have control, receipt, custody, disposal or payment, if the amount paid or received, or to be paid or received in any taxable year on account of any individual equals or exceeds one thousand five hundred (\$1,500.00) dollars, unless there shall be filed with the withholding agent, before the time when he is required to make return and payment thereof, a certificate in such form as shall be prescribed by the State Tax Commissioner, to the

effect that the person entitled to such salary, wage, commission, gratuity, emolument, perquisite or other compensation is a resident and setting forth his residence address within the State.

2. Every withholding agent shall make return to the State Tax Commissioner of complete information covering the amount of all interest, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments or other fixed or determinable gains, profits and income, except interest coupons payable to bearer, of any taxpayer taxable under this Act, of one thousand five hundred (\$1,500.00) dollars or more in any taxable year under such regulations and in such form and manner and to such extent as may be prescribed by the State Tax Commissioner.

3. Every withholding agent required to deduct and withhold any tax under sub-division 1 of this section shall make return thereof on or before the fifteenth day of March in each year, and shall at the same time pay the tax to the State Tax Commissioner. Every such individual, corporation or partnership is hereby made liable for such tax and is hereby indemnified against the claims and demands of any individual, corporation or partnership for the amount of any payments made in accordance with the provisions of this Section.

4. Income upon which any tax is required to be withheld at the source under this Section shall be included in the return of the recipient of such income, but any amount of tax so withheld shall be credited against the amount of income tax as computed in such return.

5. If any tax required under this Section to be deducted and withheld is paid by the recipient of the income, it shall not be recollected from the withholding agent; nor in cases in which the tax is so paid shall any penalty be imposed upon or collected from the recipient of the income or the withholding agent for failure to return the same, unless such failure was fraudulent and for the purpose of evading payment.

Section 18. Individual Taxpayer's Returns.

Every taxpayer having a net income for the taxable year of fifteen hundred dollars or over, if single or if married and not living with husband or wife, and of three thousand dollars, if married and living with husband or wife, shall each year, make under oath to the State Tax Commissioner a return stating specifically the items of his gross income and the deductions and credits allowed by this Act, his place of residence and post office address. If a husband and wife living together have an aggregate net income of three thousand dollars or over, each shall make a return unless the income of each is included in a single joint return. If the taxpayer is unable to make his own return, the return shall be made by a duly authorized agent or by the guardian or other person charged with

the care of the person or property of such taxpayer. A taxpayer other than a resident shall not be entitled to the deductions authorized by Section 11 unless he shall make under oath a complete return of his gross income both within and without the State.

Section 19. Partnership Returns.

Every partnership shall make a return, to the State Tax Commissioner, for each taxable year, stating specifically the items of its gross income and the deductions allowed by this Act, and shall include in the return the names and addresses of the individuals who would be entitled to share in the net income, if distributed and the amount of the distributive share of each individual. The returns shall be sworn to by any one of the partners.

Section 20. Fiduciary Returns. Every fiduciary, (except receivers appointed by authority of law in possession of part only of the property of a taxpayer) shall make under oath a return for the taxpayer for whom he acts, first, if the net income of such taxpayer is one thousand five hundred (\$1,500.00) dollars or over, if single, or if married and not living with husband or wife, or three thousand (\$3,000.00) dollars or over, if married and living with husband or wife, or second, if the net income of such taxpayer, if an estate or trust, is one thousand five hundred (\$1,500.00) dollars or over, or if any beneficiary is a taxpayer other than a resident of the State, which returns shall state specifically the items of the gross income and the deductions, exemptions, and credits allowed by this Act. Under such regulations as the State Tax Commissioner may prescribe, a return made by one or two or more joint fiduciaries and filed in the office of the State Tax Commissioner shall be a sufficient compliance with the above requirement. The fiduciary shall make oath that he has sufficient knowledge of the affairs of such individual, estate or trust to enable him to make the return, and that the same is, to the best of his knowledge and belief, true and correct. Fiduciaries required to make returns under this Act shall be subject to all provisions of this Act which apply to taxpayers.

Section 21. Returns When Accounting Period Changed. If a taxpayer with the approval of the State Tax Commissioner, changes the basis of computing net income from fiscal year to calendar year, a separate return shall be made for the period between the close of the last fiscal year for which return shall be made, and the following December thirty-first. If the change is made from calendar year to fiscal year, a separate return shall be made for the period between the close of the last calendar year for which return was made and the date designated as the close of the last fiscal year. If the change is made from one fiscal year to another fiscal year, a separate return shall be made for the period between the close of the former fiscal year and the date designated as the close of the new fiscal year. If a taxpayer making his first return for income tax

keeps his accounts on the basis of a fiscal year, he shall make a separate return for the period between the beginning of a calendar year in which such fiscal year ends and the end of such fiscal year. In all of the above cases the net income shall be computed on the basis of such period for which separate return is made, and the tax shall be paid thereon at the rate of the calendar year in which such period is included; and the exemptions allowed in this Act shall be reduced respectively to amounts which bear the same ratio to the full exemptions provided for as the number of months in such period bears to twelve months.

Section 22. Imposition Of Income Tax On Corporations. A tax is hereby levied and imposed on every corporation organized under the laws of Alabama and doing business in this State, which shall be assessed, collected and paid annually for the taxable year 1932 and for each taxable year thereafter upon and with respect to their entire net income as hereinafter defined, at rate as follows:

Five per centum of the amount of the entire net income in excess of the credits against such net income provided herein. A like tax of five per centum of the entire net income is hereby levied and imposed upon every foreign corporation doing business in the State of Alabama which tax shall be assessed, collected and paid for the taxable year 1932 and for each taxable year thereafter upon and with respect to their entire net income as herein defined, from property situated within this State, and from business done and transacted within this State. Such taxes shall be first assessed, collected and paid in the year 1933 upon and with respect to the taxable income for the calendar year 1932, or for any fiscal year ending during the calendar year 1932, and in each and every taxable year thereafter such income tax shall be assessed, collected and paid likewise, based upon the calendar year, or any fiscal year ending during such a calendar year.

Section 23. Conditional And Other Exemptions. (Corporations and Organizations). The following organizations shall be exempt from taxation under this Act: (1) Labor, agricultural or horticultural organizations. (2) Fraternal beneficiary societies, order or associations. (a) operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system, and (b) providing for the payment of life, sick, accident or other benefits to the members of such society, order or association, or their dependents. (3) Business league, chambers of commerce, or boards of trade, not organized for profit and no part of the net earnings of which inures to the benefit of any private stockholder or individual. (4) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare. (5) Clubs organized and operated exclusively for pleasure, recreation and other non-profitable purposes, no part of

the net earnings of which inures to the benefit of any private stockholder or member. (6) Farmers' and other mutual hail, cyclone or fire insurance companies, mutual ditch or irrigation companies, or like organizations of a purely local character, the income of which consists solely of assessments, dues, and fees collected from members for the sole purpose of meeting expenses. (7) Farmers', fruit growers', or like associations, organized and operated as sales agents for the purpose of marketing the products of members and turning back the proceeds of sales, less the necessary selling expenses, on the basis of quantity of produce furnished by them. (8) Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax, imposed by this Act. (9) Federal Land Banks and national farm loan associations as provided in Section 26 of the Act of Congress approved July 17, 1916, entitled "An Act to provide for agricultural development, to create standard forms of investment based upon farm mortgages, to equalize rates of interest upon farm loans, to furnish a market for United States Bonds, to create government depositories and financial agents for the United States, and for other purposes." (10) All National Banks and National Banking Associations and all corporations engaged in the business of banking and of conducting a financial business employing moneyed capital coming into competition with the business of national banks during and for the period during which such national banks and corporations, are subject to an excise tax imposed by this State on or with respect to their respective net incomes. (11) Insurance companies upon which the statutes of Alabama impose a tax upon their premium income. (12) Building and loan associations substantially all the business of which is confined to making loans to members only during and for the periods which said Building and Loan Associations are subject to an excise tax imposed by this State on or with respect to their net incomes.

Section 24. Net Income Defined. (Corporations). In the case of a corporation subject to the tax imposed by Section 23 of this Act, the term "net income" means the gross income as defined in Section 25 of this Act, less the deductions allowed by Section 26 of this Act, and the net income shall be computed on the same basis as provided in Section 9 of this Act.

Section 25. Gross Income Defined. (Corporations.)

(a) In the case of a corporation subject to the tax imposed by Section 23 of this Act, the term "gross income" means the gross income as defined in Section 10 of this Act, except that (1) Mutual marine insurance companies shall include in gross income the gross premiums collected and received by them, less amounts paid for re-insurance. (b) In the case of a foreign corporation, gross income

includes only the gross income from sources within this State, including the interest on bonds, notes, or other interest bearing obligations of residents, corporate or otherwise, dividends from resident corporations, and including all amounts received (although paid under a contract for the sale of goods or otherwise) representing profits on the manufacture and disposition of goods within this State.

Section 26. Deductions Allowed (Corporations). In computing the net income of domestic corporations doing business in this State subject to the tax imposed by Section 22 of this Act, there shall be allowed as deductions: (1) All ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries and other compensation for personal services actually rendered, and including rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title, or in which it has no equity. (2) All interest paid or accrued within the taxable year on its indebtedness, except an indebtedness incurred or continued to purchase or carry obligations or securities (other than obligations of the United States issued after September 24, 1917), the interest upon which is wholly exempt from taxation under this Act as income to the taxpayer, or in the case of a foreign corporation, the proportion of such interest which the amount of its gross income from sources within the State of Alabama bears to the amount of its gross income from all sources within and without the State of Alabama. (3) Taxes paid or accrued within the taxable year (a) imposed by the authority of the United States, or (b) by the authority of any of its possessions; or (c) by the authority of any State or territory, or any county, school district, municipality, or other taxing sub-division of any State or territory, not including those assessed for local benefits of a kind tending to increase the value of the property assessed; or, in the case of a non-resident individual or foreign corporation taxes paid or accrued within the taxable year imposed by the authority of the State of Alabama or any county school district, municipality, or any other taxing sub-division of the State of Alabama plus the proportion of tax imposed by other authorities above mentioned which the amount of gross income from sources within the State of Alabama bears to the amount of gross income from all sources within and without the State of Alabama; provided, however, that the amount of Federal income tax apportioned to Alabama may be determined by the ratio that the amount of net income on business done within Alabama bears to the amount of net income from business done within and without the State of Alabama. (4) Losses sustained during the taxable year and not compensated for by insurance or

otherwise. (5) Debts ascertained to be worthless and charged off within the taxable year. (6) The amounts received as dividends from a corporation, or any subsidiary corporation of which the parent corporation owns as much as 50 per cent of the capital stock, which is taxable under this Act upon the net income of the parent corporation or the subsidiary. (7) A reasonable allowance for the exhaustion, wear and tear of property used in the trade or business, including a reasonable allowance for obsolescence. (8) In the case of mines, oil and gas wells, other natural deposits, and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions, in each case, based upon the cost, including cost of development not otherwise deducted; such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the State Tax Commissioner. In the case of leases the deductions allowed by this paragraph shall be equitably apportioned between the lessor and the lessee. (9) In the case of marine insurance companies, there shall be allowed, in addition to the deductions allowed in paragraphs 1 to 9, inclusive, amounts repaid to policy holders on account of premiums previously paid by them, and interest paid on such amounts between the ascertainment and the payment thereof. (10) In the case of mutual insurance companies (other than mutual life or mutual marine insurance companies) requiring their members to make premium deposits to provide for losses and expenses, there shall be allowed, in addition to the deductions allowed in paragraphs 1 to 9, inclusive, (unless otherwise allowed under such paragraph) the amount of premium deposits returned to their policy holders and the amount of premium deposits retained for the payment of losses, expenses and reinsurance reserves. (11) In the case of foreign corporations doing business in this State the deductions allowed by this Section shall only be allowed if and to the extent that they are connected with income arising from sources within the State of Alabama, and the proper apportionment and allocation of deductions with respect to the sources of income within and without the State of Alabama shall be determined under rules and regulations prescribed by the State Tax Commissioner; Provided that in the case of corporations doing a business partly within and partly without the State where revenue is apportioned or allocated to Alabama the Expenses in connection with such apportioned or allocated revenue shall be likewise apportioned or allocated to the State, for the purpose of deductions under this Act, or the ratio that Company expenses in Alabama bear to Company revenues in Alabama. The special deduction of net losses of prior years to the extent provided in Section 11¾.

Section 26½. Distributions By Corporations.

(a) Definition of Dividend.—The term “dividend” when used in this title means any distribution made by a corporation to its shareholders whether in money or in other property, out of its earnings or profits accumulated after December 31, 1931.

(b) Source of Distributions.—For the purposes of this Act every distribution is made out of earnings or profits to the extent thereof, and from the most recently accumulated earnings or profits. Any earnings or profits accumulated, or increase in value of property accrued before January 1, 1932, may be distributed, exempt from tax, after the earnings and profits accumulated after January 1, 1932, have been distributed, but any such tax-free distribution shall be applied against and reduce the basis of the stock provided in Section 4.

(c) Distributions in Liquidation.—Amounts distributed in complete liquidation of a corporation shall be treated as in full payment in exchange for the stock, and amounts distributed in partial liquidation of a corporation shall be treated as in part or full payment in exchange for the stock. The gain or loss to the distributee resulting from such exchange shall be determined under Section 5, but shall be recognized only to the extent provided in Section 5½. In the case of amounts distributed in partial liquidation (other than a distribution within the provisions of section 5½ (h) of stock or securities in connection with a reorganization) the part of such distribution which is properly chargeable to capital account shall not be considered a distribution of earnings or profits within the meaning of sub-section (b) of this section for the purpose of determining the taxability of subsequent distributions by the corporation.

(d) Other Distributions From Capital.—If any distribution (not in partial or complete liquidation) made by a corporation to its shareholders is not out of increase in value of property accrued before January 1, 1932, and is not out of earnings or profits, then the amount of such distribution shall be applied against and reduce the basis of the stock provided in section 4 and if in excess of such basis, such excess shall be taxable in the same manner as a gain from the sale or exchange of property.

(e) Stock Dividends.—A stock dividend shall not be subject to tax.

(f) Redemption of Stock.—If a corporation cancels or redeems its stock (whether or not such stock was issued as a stock dividend) at such time and in such manner as to make the distribution and cancellation or redemption in whole or in part essentially equivalent to the distribution of a taxable dividend, the amount so distributed in redemption or cancellation of the stock to the extent that it represents a distribution of earnings or profits accumulated after January 1, 1932, shall be treated as a taxable dividend.

(g) **Definition of Partial Liquidation.**—As used in this Section the term “amounts distributed in partial liquidation” means a distribution by a corporation in complete cancellation or redemption of a part of its stock, or one of a series of distributions in complete cancellation or redemption of all or a portion of its stock.

Section 27.—Items Not deductible.—That in computing net income no deduction shall in any case be allowed in respect of any of the items specified in Section 12.

Section 28. Credits Allowed.—That for the purpose only of the tax imposed by Section 22, there shall be allowed the following credits: (a) The amount received as interest upon obligations of the United States and bonds issued by the War Finance Corporation, which is included in gross income under Section 25.

(b) The amount of excess profits tax imposed by the Act of Congress now in effect. (c) In the case of a domestic corporation, one thousand (\$1,000.00) dollars. (d) In the case of a foreign corporation doing business in this State that proportion of one thousand (\$1,000.00) dollars which the gross income of such corporation in this State bears to the entire gross income of such corporation. (e) Amounts received as dividends from national banks or national banking associations or from corporations engaged in the business of banking and of conducting a financial business employing moneyed capital coming into competition with the business of national banks only during and for the periods during which such national banks, corporations, individuals and partnerships are subject to an excise tax imposed by this State on or with respect to such income and dividends paid by any such corporation out of income subject to such excise tax. Provided, however, the exemption under this subsection shall only apply to dividends received from corporations and/or institutions paying an income tax under the provisions of this Act.

Section 29. Corporation Returns.—That every corporation, joint stock company or association subject to income tax under this Act shall make a return to the State Tax Commissioner for each taxable year stating specifically the items of its gross income and the deductions and credits allowed by this Act. The return shall be sworn to by the president, vice-president, or other principal officer, and by the treasurer or assistant treasurer. In cases where receivers, trustees in bankruptcy or assignees, are operating the property or business of corporations, such receivers, trustees or assignees shall make returns for such corporations in the same manner and forms as corporations are required to make returns. Any tax due on the basis of such returns made by receivers, trustees, or assignees shall be collected in the same manner as if collected from the corporations of whose business or property they have custody and control. Returns made under this section shall be subject to

the provisions of Section 21 of this Act. When return is made under Section 21, the credit provided in subdivision (c) of Section 28 shall be reduced to an amount which bears the same ratio to the full credit therein provided as the number of months in the period for which such return is made bears to twelve months.

Section 29½. (1) Returns made on the basis of the calendar year shall be made on or before the 15th day of March following the close of the calendar year. Returns made on the basis of a fiscal year shall be made on or before the 15th day of the third month following the close of the fiscal year.

(2) The commissioner may grant a reasonable extension of time for filing returns, under such rules and regulations as he shall prescribe. Except in the case of taxpayers who are abroad, no such extension shall be for more than six months.

(3) Individuals and corporations having a fiscal year ending in the year 1932, shall file their first return hereunder on or before March 15, 1933.

Section 30. Assessment of Income Taxes. The income tax provided for in this Act shall be assessed and fixed as hereinafter provided by the State Tax Commissioner and upon blanks in the form to be prescribed by the State Tax Commissioner.

Provided, the amount shown to be due by the taxpayer's return shall constitute and create a prima facie liability for such amount on which taxes shall be paid as herein provided.

Provided, further, that "assessment" or "assessed" herein used shall refer to and mean the final determination of the amount found to be due by the State Tax Commissioner.

Provided, further, that the mailing of the income tax blank to persons liable for the tax herein provided, shall be the only notice required to be given, except where the amount as finally fixed by the State Tax Commissioner shall be different from the amount shown to be due by the return as made by the taxpayer.

Provided, further, that the failure to receive such blank shall not relieve any person required to make a return, from making such return, of the penalties for failure to so do or liability for tax.

Provided, further, that the failure to receive such blank shall not relieve any person required to make a return, from making such return, of the penalties for failure to so do or liability for tax.

Provided, further, that where the State Tax Commissioner determines the amount due is different from that shown by the taxpayer's return, notice of such different amount shall be given to taxpayer by registered mail, return receipt required, giving the taxpayer notice of the amount so fixed and the State Tax Commissioner shall fix a day, not less than fifteen days from date of such notice, for hearing any protest of taxpayer. The time and place of such hearing shall be designated in such notice. Upon hearing

such protest or if the taxpayer fails to appear on the day set, the State Tax Commissioner shall finally fix, determine and assess the amount of tax due and notify the taxpayer thereof by registered mail. Within sixty (60) days from the date of mailing the letter advising the taxpayer of such assessment the taxpayer may upon paying the tax appeal from such assessment to the Circuit Court of Montgomery County sitting in Equity by filing notice of appeal with the Secretary of the State Tax Commission and with the Register of the Circuit Court of Montgomery County which shall hear and determine the case and enter judgment for the taxpayer if he is not liable for any part of the tax so assessed or for such part of the tax as the Court shall determine was overpaid by the taxpayer. On a judgment of the Circuit Court of Montgomery County either the State or the taxpayer may appeal to the Court of Appeals or to the Supreme Court as in civil cases within sixty (60) days from the rendition of judgment. In the event the taxpayer is successful the amount of tax shall be promptly refunded to him and if not so refunded may be credited by the taxpayer on any subsequent tax due by him to the State.

Section 30½. Any surplus remaining from the proceeds of the tax imposed by this bill after providing for interest and installment annual payments or annual amortization installments on the current debts of the State as of September 30, 1932, shall be applied to the reduction of the ad valorem State tax on real and personal property.

Section 31.—(a) Time of Payment of Tax. The total amount of tax imposed by this title shall be paid on the fifteenth day of March following the close of the calendar year, or if the return should be made on the basis of a fiscal year, then on the fifteenth day of the third month following the close of the fiscal year.

In the case of any taxpayer filing returns according to the fiscal year having a fiscal year ending in the calendar year 1932, the tax shall be paid as if his or its return were filed on the basis of the calendar year 1932.

The State Tax Commissioner shall be required to give a receipt for all payments of income tax made hereunder.

(b) Installment Payments.—The taxpayer may elect to pay the tax in four equal installments, in which case the first installment shall be paid on the date prescribed for the payment of the tax by the taxpayer, the second installment shall be paid on the fifteenth day of the third month, the third installment on the fifteenth day of the sixth month, and the fourth installment on the fifteenth day of the ninth month, after such date. If any installment is not paid on or before the date fixed for its payment, the whole amount of the tax unpaid shall be paid upon notice and demand from the Tax Commissioner.

(c) Extension of Time For Payment. At the request of the taxpayer, the Commissioner may extend the time for payment of the amount determined as the tax due by the taxpayer, or any installment thereof, for a period not to exceed three months from the date prescribed for the payment of the tax or an installment thereof. In such case the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension.

(d) Voluntary Advance Payment. The tax imposed by this Act, or any installment thereof, may be paid, at the election of the taxpayer, prior to the date prescribed for its payment.

Section 32. In case any taxpayer has through mistake or error paid an income tax which he is not legally due, or has paid an amount in excess of what he was in fact due, such taxpayer, may make application on forms furnished therefor, to the State Tax Commissioner to have such amount erroneously paid refunded, and upon making satisfactory proof to the State Tax Commissioner that such error was made, the State Tax Commissioner shall certify to the State Auditor the amount to be refunded by the State and warrant shall be drawn for such refund as provided in Act No. 432 of General Acts of Alabama, approved July 17, 1931.

Section 33.—Custody of Income Tax Returns and Records. The income tax returns and records shall remain in the office of the State Tax Commissioner and shall not be open to public inspection.

Section 34. Assessment of Income Tax Against Those Failing to Make Return and Penalties for Such Failure.

Any person or corporation failing or refusing to make the list or return required by this Act, or rendering a wilfully false or fraudulent list or return, shall be assessed by the State Tax Commissioner on account of such income tax in such manner as appears to it from the best information obtainable, either by examination of the defaulting taxpayer or any other evidence, that such taxpayer is liable for. In case of failure or neglect to make such list or return, the State Tax Commissioner shall add a penalty of not more than twenty-five per centum as a penalty to the amount of the tax due; and in the case of a wilfully false or fraudulent return or list having been rendered, the State Tax Commissioner shall add a penalty of not more than fifty per centum as a penalty to said tax.

Section 35.—Penalty for Failure to Make Return Within Time Specified. Any person or corporation, joint stock company or association liable to income tax under this Act, who shall fail to make return as required by this Act within the time allowed shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than ten dollars, nor more than one thousand dollars.

Section 36.—Further Provisions as to the Collection of Income Taxes. That in every respect herein specified in this Act, returns for the levy and collection of the taxes herein provided for shall be subject to all provisions of law relative to the assessment and collection of taxes on personal property, so far as applicable, and the taxes herein levied and provided for shall be a superior lien to all other liens on all property real and personal or such taxpayer in this State from the date of the assessment until paid and the lien enforced as in the case of ad valorem taxes, and garnishment proceedings may issue in favor of the State for the collection of such income taxes, just as may be done for the collection of any debts as between individuals; and the State Tax Commissioner shall have further power and authority of levy and sale for the collection of **such taxes as the tax collectors have for the collection of ad valorem taxes**; and the State Tax Commissioner may in such matters, act through its duly authorized agents. All income taxes collected by the State Tax Commissioner shall be as soon as practicable, turned over to the State Treasurer and his receipt taken therefor. The State Tax Commissioner shall not take any action to collect any income tax before the same becomes delinquent, except in cases of emergency where delayed action might result in the loss of such taxes.

Section 37. Income Tax Returns Not Public Documents Except in Certain Cases.

It shall be unlawful for any person to print or publish in any manner whatever the income tax return of any taxpayer or any part thereof or the taxes due thereon or to divulge to any person whatever, except persons required or authorized to collect or audit or assist in collecting or auditing the returns or to use the information contained in any such return or acquired in auditing any such return or enforcing the provisions of this Act for any purpose except for the audit of such return and collection of the tax imposed by this Act, unless the tax thereby imposed becomes delinquent; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, shall be fined not to exceed Fifty Dollars (\$50.00) or sentenced to hard labor for the county for not more than thirty days, one or both for each offense and upon conviction thereof any such person shall thereafter be ineligible to hold the office of State Tax Commissioner or become or be an employee or agent of the State Tax Commission or under the State Tax Commissioner. Any person making any affidavit required herein who shall knowingly swear falsely, shall be guilty of perjury. Any assistant or agent of the State Tax Commissioner who shall wilfully refuse to perform the duties imposed upon him by this Act or by the State Tax Commissioner, shall be deemed guilty of a misdemeanor and shall be fined not exceeding fifty dollars, or

sentenced to hard labor for the county for not more than thirty days, one or both, for each offense.

All income tax returns and information secured by income tax officials or employees for the purpose of arriving at income taxes, shall be kept under lock and key by the State Tax Commissioner, and any official or employee of the State or of any county, who shall divulge the contents thereof, except under order of Court, shall be guilty of a misdemeanor and shall be subject to a fine of not more than fifty dollars, or shall be sentenced to hard labor for the county for not more than thirty days, one or both, and any person found guilty of violating this provision of this Act shall thereafter be ineligible to hold the office of the State Tax Commissioner or become or be an employee or agent of the State Tax Commissioner or under the State Tax Commissioner.

Section 38. Questions to be Asked by Tax Assessor.

At the time of listing for assessment of real and personal property for taxation in this State, the county tax assessor of every county shall ask each person assessing real and personal property within his county, and each person shall answer the following questions: (a) If the person is returning property for taxation for himself, the assessor shall ask and the person shall answer the following questions:

1. Are you married or single? Do you live with your wife or husband? If the person answers that he or she is single, or that he or she does not live with husband or wife, then the assessor shall ask and the person shall answer the following questions:

(2) Were your gains, gross profits and income received during the preceding calendar year, less the deductions permitted by the State Income Tax Law, not including personal exemptions, more than fifteen hundred (\$1,500.00) dollars? If such person answers that he or she is married and living with husband or wife, the tax assessor shall ask and the person shall answer the following question: 3. Were the gains, gross profits and income received during the preceding calendar year by yourself and wife, or husband, in the aggregate, less the deductions permitted by the State Income Law, not including personal exemptions, more than three thousand (\$3,000.00) dollars. (b) If such person is returning property for another than himself, or for a corporation or partnership, the assessor shall ask and the person must answer the following questions: 1. Were the gains, gross profits and income received during the preceding calendar year by the person, partnership, or corporation for whom, or which, you have made returns for taxation, less the deductions permitted by the State Income Tax Law,

not including personal exemptions, more than fifteen hundred (\$1,500.00) dollars?

Have you paid any income taxes to the United States, or have made any income tax return thereto during this or the preceding calendar year? If so, which year? Said questions shall be printed on the blanks used for the listing of real and personal property for taxation, and the answers thereto shall be entered thereon.

Section 39. Salaries, Expenses, Wages and Auditing. (a) The Assessment and collection of the income taxes imposed by this Act shall be under the supervision of the State Tax Commissioner, who shall be and with the approval of the Governor, employ such assistants and clerks as shall be necessary to carry out the provisions of this Act.

(b) The salaries of all persons employed by the State Tax Commissioner for the enforcement of the income tax law shall be fixed by the State Tax Commissioner by and with the consent of the Governor. The necessary printing, stationery, postage and office equipment shall be supplied by the State in the same manner as it is supplied to the State Tax Commissioner.

The State Tax Commissioner, his assistants and employees shall be entitled to receive actual necessary expenses incurred in the performance of their duties. The salaries, wages and expenditures provided for by this Act with reference to income taxes shall be audited and paid out of the State Treasury in the same manner as other salaries, wages and expenditures of the State Tax Commission are audited and paid. All payments herein required shall be made out of revenues provided by this Act.

Section 40. Statement to be Furnished by Taxpayer.

Every corporation, joint stock company or association organized under the laws of this State or organized under the laws of any other State, nation or territory and doing business in this State, whether taxable under this Act or not shall furnish to the officers and employees of the State charged with the duties of carrying out the provisions of this Act, a true and accurate statement at such times and in such manner and form and setting forth such facts as the State Tax Commissioner shall deem necessary to enforce the provisions of this Act. Such statement shall be made upon oath or affirmation of the officer or employee of the corporation, joint stock company or association best qualified to furnish the desired information.

Section 41. Information to be given by the Taxpayer on Demand by the State Tax Commissioner. The State Tax Commissioner may at any time in his discretion require the taxpayer to furnish a sworn statement of the annual return of income made under the provisions of the Act of Congress of the United States for the calendar or fiscal year in question or for the preceding calen-

dar or fiscal year. Any person who shall wilfully fail to comply with this demand shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not more than one hundred dollars, and may be sentenced to hard labor for the county for not more than six months, one or both.

Section 42. Rules to be Promulgated By the State Tax Commissioner.

The State Tax Commissioner shall from time to time, as said commissioner shall deem desirable, promulgate such reasonable rules and regulations, governing procedure and methods of ascertaining and determining gains and income so as to conform as nearly as possible to the best accounting practice in every trade or business, and as most clearly reflecting the income therefrom.

Section 43. Any officer or employee who shall in violation of the terms of this Act disclose any fact connected with the return of income tax shall be guilty of a misdemeanor, and shall be discharged from his office or employment.

Section 44. That the provisions of this Act are severable, and if any section or sections, paragraph or paragraphs, sentence or sentences, clause or clauses, phrase or phrases, word or words of this Act shall be held to be unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the same shall not affect or impair any of the remaining provisions, sections, paragraphs, sentences, clauses, phrases, and/or words of this Act.

It is hereby declared to be the Legislative intent that this Act, and each section, paragraph, sentence, clause, phrase and word thereof would have been enacted had such unconstitutional section or sections, paragraph or paragraphs, sentence or sentences, clause or clauses, phrase or phrases, and word or words not been included herein.

Section 45. This Act shall become effective when an amendment to the Constitution authorizing the tax herein provided for has been adopted.

Which was adopted.

Yeas, 23; nays, 5.

Yeas:

Messrs.:

Bartlett
Reasley
Brown
Caffey
Cooper
Cowart

Craft
Darden
Delony
Duncan
Farmer
Hooton

Hubbard
Kelley
Millsap
Mullins
Powell
Riddle

Scruggs
Shepherd
Walker
Warren
Wikle

—23

Nays:

Messrs.:

Bonner
Faulk

Hildreth

Lapsley

McDowell

— 5

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; nays, 6.

Yeas:

Messrs.:

Bartlett	Darden	Hubbard	Scruggs
Beasley	Delony	Kelley	Shepherd
Brown	Duncan	Millsap	Teasley
Caffey	Edmundson	Mullins	Walker
Cooper	Farmer	Powell	Warren
Cowart	Goodwin	Riddle	Wikle
Craft	Hooton		

—26

Nays:

Messrs.:

Bonner	Fletcher	Lapsley	McDowell
Faulk	Hildreth		

— 6

The bill:

H. 1. To empower Boards of Revenue, Courts of County Commissioners, or like governing bodies, to fix the amount of Official Bonds of all County Officers and all County employees who are intrusted with the handling of public funds, except those official bonds that are now fixed by law, to approve their bonds made by Individuals, Banks, or Corporations that they may consider good and solvent, and to provide for the payment of the premiums of said bonds.

Was taken up.

The Standing Committee on Judiciary reported the following substitute for said bill to-wit:

Committee substitute for H. 1.

Substitute H. 1 so as to read as follows:

"A BILL

To be entitled an Act to further regulate, provide for and require bonds of County officials and employees, and clerks, deputies and employees in County offices; to prescribe the amount or amounts of such bonds; to provide for the payment of premiums on said bonds where the same are made in surety companies; to provide for the fixing, filing and approving and recording of said bonds.

Be it enacted by the Legislature of Alabama:

Section 1. That all County officials, as set forth in this Act, of all Counties in this State shall be required to execute official bonds payable to the State of Alabama for the faithful performance of their duties, and such additional official bonds as from time to time the public interests may demand and as required by the provisions of law.

Section 2. That members of the Commissioners Court, Board of Revenue or like County governing body of each County shall be

required to give a bond in the sum of at least \$3,000.00, to be fixed and approved by the Judge of the Circuit Court of the Circuit of which such County forms a part, and where there are two or more Circuit Judges in said Circuit then said bond is to be fixed and approved by the Senior Judge of the Circuit Court of such Circuit.

Section 3. The Commissioners Courts, Boards of Revenue or other like governing bodies of the respective Counties are hereby empowered to fix and approve the official bonds of all other County officers and employees in such an amount or amounts as may in their judgment be necessary for the safety and security of public funds or other funds and as the public interest may demand subject to such limitations as are specifically provided herein and made applicable to each particular County official.

Section 4. The official bond of the Probate Judge shall in no case be less than \$10,000.00.

Section 5. The official bond of the Circuit Clerk shall in no case be less than \$5,000.00.

Section 6. The official bond of the Clerk of the County Court shall in no case be less than \$5,000.00.

Section 7. The official bond of the Clerk of the Circuit Court in Equity shall in no case be less than \$5,000.00.

Section 8. The official bond of the Tax Assessor shall in no case be less than \$5,000.00.

Section 9. The official bond of the Tax Collector shall in no case be less than one and one-half the largest amount of collected taxes had on hand by the Tax Collector at any time during the preceding year, such amount to be determined and estimated by the semi-monthly reports of collections of all taxes collected for State, County, Schools and/or other purposes.

Section 10. The official bond of the Sheriff shall in no case be less than \$5,000.00.

Section 11. The bond of a County Treasurer elected under the general law of the State shall in no case be less than one and one-half the estimated amount of the revenue of the County for the previous fiscal year.

Section 12. The official bond of the Coroner shall in no case be less than \$1,000.00.

Section 13. The official bond of the County Superintendent of Education shall in no case be less than \$3,000.00.

Section 14. The official bond of the County Treasurer of School Funds shall not be less than one and one-half times the total revenue and receipts to the treasury of school funds for the previous fiscal year from all sources.

Section 15. The official bonds of Justices of the Peace, Notaries Public and Ex-Officio Justices of the Peace, Notaries Public, Constables and County Surveyors shall be, as to each officer, in the sum of \$1,000.00.

Section 16. The official bond of each Jury Commissioner and each Registrar of Voters shall be in the sum of \$500.00.

Section 17. The bonds of all other County officers in Counties where such officers are created by special or local act or acts of the Legislature, or by general acts having application to particular Counties coming within the provisions of such acts, and where the amount of official bonds to be given is provided for in said act or acts shall be of the amount so provided in said act or acts, and where not so specifically provided shall be in such an amount as in the judgment of the Commissioners Court of each of such Counties is sufficient to secure and safeguard any and all public moneys of whatsoever nature coming into the hands of such officers by virtue of said offices.

Section 18. That when in the judgment of the Commissioners Court, Board of Revenue or like County governing body of any County any bond provided for in this Act is insufficient to protect the public interests or fully to safeguard public funds, an additional bond shall be required of such officer in such an additional amount and with such additional surities as may be deemed good and sufficient, and such Court, Board, or like County governing body is empowered with full authority to require from time to time sworn statements from any and all County officials and employees charged with the duty of collecting, receiving or disbursing public funds, setting forth the status of all such funds coming into their hands and settlement.

Section 19. That where the official bond of any County officer of any County, duly qualified and commissioned prior to the passage and approval of this Act, has been fixed and approved, and such bond is in the judgment of the Commissioners Court, Board of Revenue or like County governing body in such an amount and secured by such surety or sureties as fully to protect the public interest and safeguard public moneys, such bond shall be and remain and continue in full force and effect, and such officer shall not be required to make any new bond except as in the event such bond should become insufficient and an additional bond be required as provided in this Act.

Section 20. That when in the judgment of the Commissioners Court, Board of Revenue or like governing body of any County in this State it is considered necessary and protective to the public interests that any County employee, or any clerk, deputy or employee in any County office should give a bond, such Court, Board or like County governing body shall require a bond to be executed in such an amount as in its discretion should be required.

Section 21. All official bonds of County officers and other bonds provided in this Act may, within the discretion and determination of the authority fixing and approving the same, be made

in a surety company or in surety companies qualified to do business in this State, or may be made with individual and/or personal sureties and/or banks or other corporations qualified to do business in this State, and authorized under their charters to make security or official bonds or to become surety on such bonds.

Section 22. That the premiums on official bonds made in surety companies shall be paid from the general fund of the County Treasury on claims duly presented to, audited and allowed by the Commissioners Courts, Boards of Revenue or like County governing body, and on County warrants as other claims are paid and in the class of preference as now provided by law.

Section 23. That the bonds of all County officers and County employees as referred to in this Act, with the exception of the bond of the Judge of Probate, shall be filed and recorded in the office of the Judge of Probate, and the bond of the Judge of Probate shall be filed and recorded in the office of the Clerk of the Circuit Court, and certified copies of the bonds of the Probate Judge and Tax Assessor and Tax Collector shall be filed with the State Comptroller.

Section 24. That the bonds herein required to be made shall be conditioned as now provided by law, and shall in all respects be subject to and governed by the provisions of law governing, regulating, concerning and pertaining to official bonds except as may be in conflict with provisions of this Act.

Section 25. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 26. If any section or part of section of this Act be declared unconstitutional, such unconstitutionality shall not affect the remaining sections or parts of sections of this Act.

Section 27. This Act shall take effect upon its approval by the Governor."

Mr. Scruggs offered the following amendment to said substitute, to-wit:

Amend substitute to H. 1 by striking out the following words in Section 21 thereof: "within the discretion and determination of the authority fixing and approving the same."

Which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas, 23; nays, 0.

Yeas:

Messrs.:
Bartlett
Beasley
Bonner
Brower
Caffey
Cooper

Cowart
Craft
Darden
Delony
Duncan
Farmer

Fletcher
Goodwin
Hildreth
Jordan
Lapsley
McDaniel

Millsap
Riddle
Scruggs
Walker
Wikle

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 26; nays, 1.

Yeas:

Messrs.:

Bartlett	Craft	Jordan	Powell
Beasley	Darden	Kelley	Riddle
Bonner	Delony	Lapsley	Scruggs
Brown	Farmer	McDaniel	Walker
Caffey	Faulk	McDowell	Warren
Cooper	Goodwin	Millsap	Wikle
Cowart	Hildreth		

—26

Nay:—Mr. Duncan.

— 1

The bill:

S. 194. To amend the Act approved September 10th, 1927, and entitled "An Act to provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the Counties and Municipal Corporations, and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 25; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Jordan	Powell
Beasley	Duncan	Kelley	Riddle
Brown	Faulk	Lapsley	Scruggs
Cooper	Goodwin	McDowell	Shepherd
Cowart	Hooton	Millsap	Teasley
Craft	Hubbard	Mullins	Wikle
Darden			

—25

The bill:

H. 265. To prescribe the duties and fix the compensation of the Deputy Solicitor for Lamar County, Alabama, and to repeal all laws and parts of laws in conflict with this Act.

Was taken up.

Mr. Shepherd offered the following amendment to said bill to-wit:

Amend H. 265 as follows:

By adding to such bill the following sections:

Section 5. That the Provisions of Section 1, hereof shall become effective on the first Monday after the Second Tuesday in January, 1935.

Section 6. That the salary of the Deputy Solicitor of Lamar County, Alabama, from November 1, 1932 to the first Monday after the second Tuesday in January, 1935 shall be, and the same is hereby fixed at Nine Hundred Dollars per annum, the same to be paid in equal monthly installments of Seventy five Dollars on the first day of each calendar month. And the Probate Judge of Lamar County is hereby authorized and directed to issue a warrant on the Treasury of Lamar County, during such time, on the first day of each month, for said sum of Seventy-five Dollars, payable to said Deputy Solicitor for such salary.

Section 7. That if any section of this act or any part hereof is declared or held unconstitutional or invalid, such unconstitutionality or invalidity of such section or part hereof shall not in any way effect or void the remainder of this act.

Which was adopted.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—34

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—34

The bill:

S. 146. To require corporations, companies, associations and reciprocal or Inter-insurance exchange before engaging in the business of writing casualty insurance in this State, to deposit approved securities, or bonds in lieu thereof, with the State Treas-

urer, in trust, as a guaranty of faithful performance of their policy obligations.

Was taken up.

The Standing Committee on Banking and Insurance reported the following amendment to said bill to-wit:

Amend S. 146 as follows:

1.—By striking therefrom the following:

"The Superintendent of Insurance may require a deposit, or in lieu thereof, a bond, in an amount greater than Twenty-five Thousand Dollars if, in his opinion, the interests of the policy holders in this State require such increase in the amount of the deposit or surety bond".

2.—By adding thereto, after Section One thereof and before Section 2 thereof, a section to be numbered One and one-half and reading as follows:

"SECTION 1½.—The provisions of this Act shall not apply to companies which have on deposit with the insurance department of the State in which they are domiciled, for the protection of all their policy holders, or policy holders and creditors within the United States, approved securities in the amount of not less than One hundred thousand dollars; nor shall the provisions of this Act apply to those concerns which do business solely with their own members".

Mr. Jordan moved to table said committee amendment, which motion was lost.

Mr. Jordan then offered the following amendment to said committee amendment to-wit:

Amend Committee Amendment to S. 146 by adding the word "automobile" before the word "casualty" in the title to said bill; and by striking out the words "to deposit approved securities, or bonds in lieu thereof, with the State Treasurer, in trust, as a guaranty of faithful performance of their policy obligations" in the title of said bill and by inserting in lieu thereof the words "to maintain a general deposit as a guaranty of faithful performances of policy obligations", so that said title as so amended shall read as follows: "to require corporations, companies, associations, and reciprocal or inter-insurance exchange before engaging in the business of writing automobile casualty insurance in this state, to maintain a general deposit as a guaranty of faithful performances of policy obligations.":

And by striking out all of Section 1 of said bill and inserting in lieu thereof a new section to read as follows:

Section 1. Before any foreign insurance company shall engage in the business of writing automobile casualty insurance, directly or indirectly, or assuming any such casualty risk within the State of Alabama, it shall deposit with the Superintendent of Insurance,

or other appropriate state official of the State in which such company is domiciled, cash or securities permitted for investment of insurance companies by the laws of the state of such domicile, in the sum of not less than One Hundred Thousand Dollars, and shall furnish to the Superintendent of Insurance of the State of Alabama a certificate of the state officer with whom such deposit is made setting forth that such deposit has been made and is being held for the benefit of the policyholders of such insurer wherever they may be; and where the laws of the state in which the insurer is domiciled do not provide for the acceptance of such deposit by such Superintendent of Insurance or other appropriate state official, the same may be made with a bank or trust company in escrow, subject to the supervision and control of the Superintendent of Insurance of the home state, such deposit to be released only upon the written order of such Superintendent of Insurance, and in such case the insurer shall furnish the Superintendent of Insurance of the State of Alabama with a certificate of the Superintendent of Insurance of the home state, setting forth that such escrow deposit has been made, subject to his supervision and control, and to be paid out only upon his written order.

"The words 'company' and/or 'insurer' as used in this Section, shall each include all corporations, associations, reciprocal or inter-insurance exchanges, individuals and/or partnerships doing directly or indirectly an automobile casualty insurance business in the State of Alabama."

Which was adopted.

And said committee amendment, as thus amended, was adopted.

Yeas, 16; nays, 8.

Yeas:

Messrs.:

Bartlett

Craft

Darden

Delony

Duncan

Hildreth

Hooton

Hubbard

Jordan

Kelley

Lapsley

McDaniel

Millsap

Powell

Walker

Wikle

—16

Nays:

Messrs.:

Beasley

Bonner

Caffey

Cooper

Fletcher

Goodwin

McDowell

Riddle

— 8

Mr. Lapsley moved that said bill as thus amended be indefinitely postponed.

Mr. Jordan moved to table the motion to indefinitely postpone which motion was lost.

Yeas, 9; nays, 20.

Yeas:

Messrs.:

Beasley
Bonner
BrownCaffey
CooperFletcher
GoodwinMcDowell
Riddle

— 9

Nays:

Messrs.:

Bartlett
Coward
Craft
Darden
DelonyDuncan
Farmer
Faulk
Hildreth
HootonHubbard
Jordan
Kelley
Lapsley
McDanielMillsap
Mullins
Powell
Walker
Wikle

—20

And the motion of Mr. Lapsley to indefinitely postpone said bill, then prevailed, and the bill was indefinitely postponed.

The bill:

H. 329. To permit certain amusements, recreations and entertainments to be furnished and engaged in on Sunday in cities of sixty thousand or more population according to the last or any succeeding Federal census, and to provide a method whereby such amusements and recreations on Sunday may be prohibited in such cities, and to repeal all laws and parts of laws in conflict with the provisions of this Act.

Was taken up.

The Committee on Banking & Insurance reported the following substitute for said bill to-wit:

Substitute for H. 329:

A BILL

To be entitled an Act to permit certain amusements, recreations and entertainments to be furnished and engaged in on Sunday in cities of Sixty Thousand or more population according to the last or any succeeding Federal census, and to provide a method whereby such amusements and recreations on Sunday may be prohibited in such cities, and to repeal all laws and parts of laws in conflict with the provisions of this Act.

Be it enacted by the Legislature of Alabama:

SECTION 1. From and after the passage of this Act, it shall be lawful in cities of sixty thousand (60,000) population, or more, according to the last, or any subsequent Federal census, to play or engage in playing baseball, football, tennis, golf, and to operate moving picture shows and vaudeville on Sunday, whether admission is charged or not.

SECTION 2. In any such city the acts herein permitted may be prohibited by an ordinance passed by the governing body of such city on the written petition therefor of not less than one-fourth of the qualified electors of such city, if, at an election, held on the day on which the next general election for Governor, is held, a majori-

ty of the qualified electors participating in such election, shall vote in favor of the ratification of such ordinance. Such ordinance shall not be effective unless and until it is ratified by such vote at such election.

SECTION 3. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

SECTION 4. If any part of this Act shall be held to be unconstitutional, such holding shall not effect the validity of the remainder of such Act.

Which was adopted.

Yeas, 17; nays, 10.

Yeas:

Messrs.:

Bartlett	Farmer	Jordan	Scruggs	
Beasley	Fletcher	Millsap	Shepherd	
Cowart	Hildreth	Mullins	Teasley	
Craft	Hooton	Powell	Warren	
Edmundson				—17

Nays:

Messrs.:

Bonner	Darden	Lapsley	Riddle	
Caffey	Duncan	McDowell	Walker	
Cooper	Faulk			—10

Mr. Bonner moved to indefinitely postpone said bill as amended.

Mr. Teasley moved to table the motion to indefinitely postpone, which motion prevailed and said motion was laid on the table.

Yeas, 21; nays, 7.

Yeas:

Messrs.:

Bartlett	Farmer	Hubbard	Powell	
Beasley	Fletcher	Jordan	Scruggs	
Cowart	Goodwin	McDaniel	Teasley	
Craft	Hildreth	Millsap	Warren	
Duncan	Hooton	Mullins	Wikle	
Edmundson				—21

Nays:

Messrs.:

Bonner	Cooper	Faulk	Walker	
Caffey	Darden	Riddle		— 7

And said bill, as thus amended, was read a third time at length and passed.

Yeas, 19; nays, 7.

Yeas:

Messrs.:

Bartlett	Edmundson	Jordan	Scruggs	
Beasley	Farmer	McDaniel	Teasley	
Brown	Fletcher	Millsap	Warren	
Craft	Hildreth	Mullins	Wikle	
Duncan	Hooton	Powell		—19

Nays:

Messrs.:

Bonner

Caffey

Cooper

Darden

Faulk

Riddle

Walker

— 7

The bill:

S. 20. To repeal that certain Act printed on page 394 of General Acts of Alabama of 1931, and approved July 2, 1931, entitled "An Act to amend an Act entitled an Act to define the business of burial companies, associations and societies; to provide for the better regulation of such companies, associations and societies, and to fix a standard of solvency for such companies, associations, and societies, and to provide penalties for violation of this Act, approved July 29, 1927.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 16; nays, 2.

Yeas:

Messrs.:

Bartlett

Beasley

Caffey

Craft

Darden

Delony

Farmer

Hooton

Lapsley

McDowell

Mullins

Scruggs

Shepherd

Walker

Warren

Wikle

—16

Nays:—Messrs.: Duncan and Faulk.

— 2

MESSAGE FROM THE GOVERNOR

To the Legislature of Alabama,

Montgomery, Alabama.

Gentlemen:

I herewith return to the Senate of Alabama, the body in which it originated, Senate Bill No. 88,

I suggest the following amendments, which, if made, will cause the bill to meet my approval.

1st. Amend the title of the bill and the bill by adding after the word "Auditor" as it first appears in the title, the following words:

"and to provide for the employment and compensation of assistants and clerical help in the office of State Auditor";

And by adding immediately after Section 4 of the bill the following:

"Section 4½. The State Auditor may employ in his office the following assistants and clerical help and may remove them at his pleasure: One chief clerk, who shall be paid the salary of Two Thousand Eight Hundred and Eighty Dollars (\$2880.00) per annum; Two assistants at a salary of One Thousand Nine Hundred and Twenty Dollars (\$1920.00) per annum; One stenographer at a salary of Twelve Hundred Dollars (\$1200.00) per annum. The salaries herein provided shall be paid out of the General Fund of the State Treasury in twelve equal installments each as the salaries of other state officers and employees are paid".

Respectfully,

B. M. MILLER,
Governor

October 14, 1932.

GOVERNOR'S MESSAGE

On motion of Mr. Fletcher, the Senate concurred in and adopted the amendment proposed by his Excellency, the Governor, to the bill:

S. 88. To redefine the duties of the State Auditor; to relieve the State Auditor of certain duties now imposed by law; to transfer certain of such duties as are now by law required of the State Auditor to the State Tax Commission, and/or State Commission of Forestry and/or the Office of State Comptroller.

Said amendment being set out in the foregoing message from his Excellency, the Governor.

Yeas, 21; nays, 0.

Yeas:

Messrs.:

Bartlett	Duncan	Hooton	Mullins
Beasley	Farmer	Hubbard	Scruggs
Caffey	Fletcher	Jordan	Shepherd
Cooper	Goodwin	McDowell	Warren
Craft	Hildreth	Millsap	Wikle
Darden			

—21

Which was a majority of the whole number elected to the Senate.

And said bill, S. 88, as thus amended by the amendment of his Excellency, the Governor, was again read a third time at length and passed.

Yeas, 23; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hooton	Mullins
Beasley	Delony	Hubbard	Scruggs
Bonner	Duncan	Jordan	Shepherd
Caffey	Fletcher	Lapsley	Warren
Cooper	Goodwin	McDowell	Wikle
Craft	Hildreth	Millsap	

—23

Which was a majority of the whole number elected to the Senate.

BILLS ON THIRD READING RESUMED

The bill:

S. 213. To amend Section 1 of an Act entitled, "An Act to amend Sections 2927 and 2929 of the 1923 Code of Alabama, (approved March 5, 1931)".

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 30; nays, 0.

Yeas:

Messrs.:

Bartlett	Darden	Hildreth	Riddle
Beasley	Delony	Hooton	Scruggs
Bonner	Duncan	Hubbard	Shepherd
Brown	Edmundson	Jordan	Teasley
Caffey	Farmer	Lapsley	Walker
Cooper	Faulk	Millsap	Warren
Cowart	Fletcher	Mullins	Wikle
Craft	Goodwin		

—30

The bill:

S. 212. To amend Section 2916 of the Code of Alabama of 1923.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 26; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hildreth	Millsap
Beasley	Duncan	Hooton	Mullins
Bonner	Edmundson	Hubbard	Riddle
Brown	Farmer	Jordan	Scruggs
Cooper	Faulk	Lapsley	Warren
Craft	Fletcher	McDowell	Wikle
Darden	Goodwin		

—26

The bill:

S. 148. To amend Section 370 of the Code of Alabama.

Was taken up.

The Standing Committee on Privileges and Elections reported the following substitute for said bill to-wit:

Substitute for S. 148:

A BILL

To be entitled an Act to amend Section 370 of the Code of Alabama.

Be it enacted by the Legislature of Alabama:

That Section 370 of the Code of Alabama, be amended to read as follows:

"Section 370. Registrars; appointment of.—Registration shall be conducted in each county by a board of three reputable and suitable persons to be appointed by the Governor, State Auditor and Commissioner of Agriculture and Industries, or by a majority of them acting as a board of appointment, and who must be also qualified electors and residents of the county and who shall not hold an elective office during their term. One of said members shall be designated by the Board of Appointment as Chairman of the Board of Registrars for each county. Provided, however, that in counties of over one hundred and fifty thousand population, according to the last or any subsequent Federal Census, that the Governor shall designate the Chairman of the Board of Registrars. Upon

the passage of this act, the Governor shall designate and appoint one of the members of each of said boards in such counties as Chairman of the Board of Registrars, who shall forthwith qualify and take office as Chairman and who shall hold such office until his term as Registrar expires."

Which was adopted.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—34

And said bill, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—34

The bill:

H. 500. To fix the salary of the Tax Assessor of Tallapoosa County, and to provide for clerical assistance and other expenses in said office; to fix the salary of the Tax Collector of Tallapoosa County, and to provide for clerical assistance and other expenses in said office; to require each of said officers to collect all the fees, compensations and allowances, heretofore collected by said officials, and to pay same into the County Treasury, and to provide for the payment of the salary, clerical assistance, and other office expense out of the general funds of the County.

Was read a third time at length and passed.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Bonner	Caffey	Cowart
Beasley	Brown	Cooper	Craft

Darden	Goodwin	McDaniel	Scruggs
Delony	Hildreth	McDowell	Shepherd
Duncan	Hooton	Millsap	Teasley
Edmundson	Hubbard	Mullins	Walker
Farmer	Jordan	Powell	Warren
Faulk	Kelley	Riddle	Wikle
Fletcher	Lapsley		

—34

The bill:

S. 218. To abolish the Commissioners' Court of Coosa County, Alabama, and to create in lieu thereof a County Board of Revenue to consist of four members; to provide for the election or appointment of the Members of the Board of Revenue and to define their terms of office; to prescribe their qualifications and to define their duties and limit their powers; to provide for their compensation and to provide for the manner of paying the same; to provide that Members of the Board of Revenue of Coosa County, Alabama, shall execute a good and solvent bond for the faithful discharge of the duties of their offices before entering upon the duties thereof in the sum of Three Thousand Dollars; to make said Board of Revenue of Coosa County, Alabama, a Court of Record when passing upon judicial matters, and to prohibit executive or closed sessions of the Board of Revenue of said County; to require the Board of Revenue of Coosa County, Alabama, to purchase all motor fuels and oils and machinery for the county and all other supplies and material for the county from the lowest responsible bidder, and to provide that Board of Revenue of Coosa County, Alabama, shall be governed by all local general laws not in conflict with the provisions of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—34

The bill:

S. 219. To provide one chief deputy sheriff of Coosa County, Alabama; to fix his salary, payable out of the general funds in equal monthly payments on warrants to be drawn by the Probate Judge on the general funds of the county which shall constitute a preferred claim against the general funds of the county; to require the chief deputy sheriff to reside at Rockford and to be under the direct

supervision of the Sheriff of the Coosa County, Ala., and to require the Chief Deputy sheriff to execute a bond payable to and approved by the Sheriff of the County for the faithful performance of his duties as chief deputy sheriff of Coosa County, Ala.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—34

The bill:

H. 473. To further amend an Act entitled, "An Act to establish a Board of Revenue for Conecuh County, in lieu of the Court of County Commissioners as now provided by law. To relieve the Judge of Probate of his duties as Chairman of said Court or Board, to provide for the election of the members of said Board and for the election of a Chairman and Clerk thereof, and to fix their terms of office; to fix the powers and duties of the members of said Board, the Chairman and Clerk thereof, and to provide for their compensation.", Approved August 27, 1927 (Local Acts of 1927, page 241 to 245, inclusive), and the Act amending said Act approved March 6, 1931 (Local Acts of 1931, page 31), by amending Section 10 of said Act as amended, to read as hereinafter set out; to provide for the repeal of all laws or parts of laws in conflict herewith; and to provide when this Act shall take effect.

Was read a third time at length and passed.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—34

The bill:

H. 474. To repeal an Act entitled, "An Act to create the office of Road Supervisor for Conecuh County, Alabama; to provide for

his appointment, discharge, or removal; to fix his qualifications and prescribe his duties, powers, and authority; to provide for the manner of allowance and payment of claims approved by him; to fix his compensation and manner of payment; to fix his bond; to provide an expense account and the manner of payment; to provide for his appointment in the event the Board of Revenue fails to act; to provide when this Act shall take effect; to provide that any section or provision of this Act being held invalid shall not affect the validity of any other section or provision; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, insofar as they apply to Conecuh County, Alabama, Approved March 4, 1931.

Was read a third time at length and passed.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—34

The bill:

H. 496. To provide additional duties and confer additional powers on each member of the Court of County Commissioners of Pike County, Alabama, in supervising the construction, maintenance and upkeep of the roads and bridges in his district, and to fix the salary and compensation of said Commissioners.

Was read a third time at length and passed.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—34

The bill:

H. 497. To better provide for the working of the public roads of Pike County, and to authorize the Court of County Commissioners of Pike County to accept a money compensation from those

liable to road duty in lieu of road work, to be fixed by them, not to exceed four dollars per capita per annum.

Was read a third time at length and passed.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—34

The bill:

H. 498. To provide for the election of a County Superintendent of Education for Shelby County, Alabama, by the qualified voters of said County; to provide the duties and fix the term of office and compensation and qualifications of such officer, and to provide for the selection and expenses of clerical help for said office and other expenses incident thereto.

Was read a third time at length and passed.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Delony	Hubbard	Powell
Beasley	Duncan	Jordan	Riddle
Bonner	Edmundson	Kelley	Scruggs
Brown	Farmer	Lapsley	Shepherd
Caffey	Faulk	McDaniel	Teasley
Cooper	Fletcher	McDowell	Walker
Cowart	Goodwin	Millsap	Warren
Craft	Hildreth	Mullins	Wikle
Darden	Hooton		

—34

The bill:

H. 499. To repeal an Act to better provide for the working of the public roads in Pike County, Alabama, prescribe rules and regulations for the same, and prescribe penalties for the violation of the provisions of this Act, approved July 19, 1907.

Was read a third time at length and passed.

Yeas, 34; nays, 0.

Yeas:

Messrs.:

Bartlett	Cowart	Farmer	Hubbard
Beasley	Craft	Faulk	Jordan
Bonner	Darden	Fletcher	Kelley
Brown	Delony	Goodwin	Lapsley
Caffey	Duncan	Hildreth	McDaniel
Cooper	Edmundson	Hooton	McDowell

Millsap
Mullins
Powell

Riddle
Scruggs
Shepherd

Teasley
Walker

Warren
Wikle

—34

The bill:

S. 188. To provide for the expenses incurred by members of the Legislature of Alabama while in attendance upon sessions of the Legislature.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 24; nays, 1.

Yeas:

Messrs.:

Bartlett
Beasley
Bonner
Cooper
Cowart
Craft

Darden
Duncan
Farmer
Faulk
Fletcher
Goodwin

Hildreth
Hooton
Kelley
Lapsley
McDowell
Millsap

Mullins
Powell
Scruggs
Shepherd
Walker
Warren

—24

Nays:—Mr. Riddle

The bill:

S. 221. To establish a commission in counties of this State having a population of not less than one hundred thousand nor more than three hundred thousand inhabitants according to the last or any subsequent Federal census, to actively co-operate with the State Board of Agriculture for the encouragement and improvement of the live stock and agricultural resources of the State through speed contests and exhibitions at County Fairs in such counties, and to further actively co-operate with the United States Government in the production of horses and mules fit for army use; to prescribe the powers, duties and qualifications of such commission; to provide that the commission may authorize speed contests and permit corporations or associations to conduct mutual or co-operative pools; to provide for licenses and to provide that a reasonable sum or per centage may be deducted to provide for the expenses of the commission and to provide suitable stakes and purses for such contests, and to repeal all laws and parts of laws in conflict therewith.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas, 20; nays, 10.

Yeas:

Messrs.:

Bartlett
Beasley
Brown
Cowart
Craft

Delony
Duncan
Edmundson
Farmer
Fletcher

Hooton
Jordan
Kelley
McDaniel
McDowell

Millsap
Mullins
Scruggs
Teasley
Warren

—20

Nays:

Messrs.:

Bonner

Cooper

Faulk

Goodwin

Hildreth

Lapsley

Powell

Riddle

Shepherd

Walker

—10

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted:

S. J. R. 75. Relative to the ruling of the Southern intercollegiate conference prohibiting broadcasting of football games and requesting a reconsideration of this action.

Also:

S. J. R. 76. Relative to the adjournment of the two Houses until Tuesday, October 18, 1932.

And returns same herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill:

S. 88. To redefine the duties of the State Auditor and to provide for the employment and compensation of assistants and clerical help in the office of State Auditor; to relieve the State Auditor of certain duties now imposed by law; to transfer certain of such duties as are now by law required of the State Auditor to the State Tax Commission, and/or State Commission of Forestry and/or the Office of State Comptroller.

by a vote of a majority of the whole number elected to the House, said vote being: Yeas, 56; nays, 0.

And said bill as thus amended by the amendment proposed by his Excellency, the Governor, was again read the third time at length and passed by a vote of a majority of the whole number elected to the House, said vote being Yeas, 56; nays, 0.

And said bill, together with the Governor's Message, containing his objections and proposed amendment, are returned herewith to the Senate.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate.

S. 141. To amend section 3762 of the Code of Alabama, 1923. Relates to Fees and Compensation of witnesses in criminal cases.

J. H. Stewart,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following bill:

H. 329. To permit certain amusements, recreations and entertainments to be furnished and engaged in on Sunday in cities of sixty thousand or more population according to the last or any succeeding Federal census, and to provide a method whereby such amusements and recreations on Sunday may be prohibited in such cities, and to repeal all laws and parts of laws in conflict with the provisions of this Act.

J. H. Stewart,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the twenty-third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

Hubert Farmer,
Chairman.

COMMITTEE REPORT

The foregoing report from the Committee on Revision of the Journal was read and, on motion of Mr. Farmer, said report was concurred in and the Journal of the Senate for the twenty-third Legislative Day, approved.

ADJOURNMENT

At 12:35 P. M., on motion of Mr. Powell and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, October 18th, 1932, at 11 A. M.

